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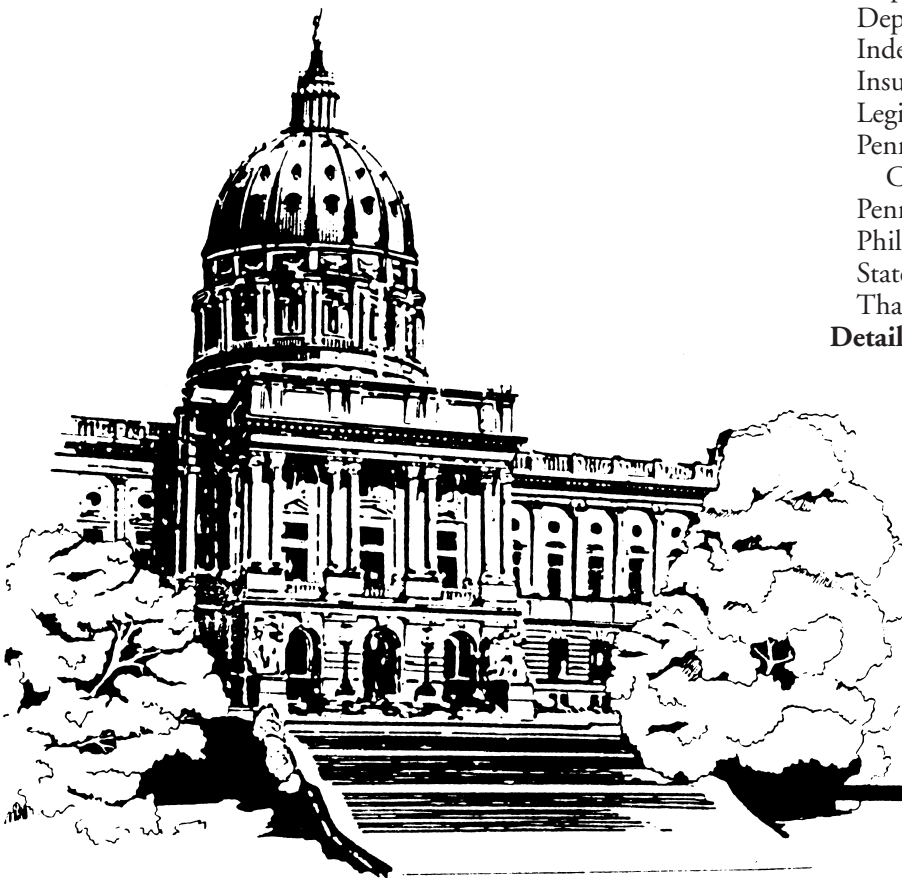
# PENNSYLVANIA BULLETIN

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Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
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State Board of Medicine  
Thaddeus Stevens College of Technology

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(Master Transmittal Sheets):**

**No. 467, October 2013**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## 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 2013.

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# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 1, 11, 13 AND 18 ]

#### Proposed Amendments to Rules 1151, 1152, 1154, 1340 and 1800 and Proposed Rules 153, 183, 1153 and 1183

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 1151, 1152, 1154, 1340, and 1800 and new Rules 153, 183, 1153, and 1183 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications establish the role and duties of attorneys in juvenile court proceedings.

This proposal was published for public comment previously in August of 2012. The Committee reviewed the public comment and has made several modifications to this proposal. In addition, the Supreme Court of Pennsylvania has recently adopted a proposal in the Rules of Civil Procedure concerning the role of the guardian *ad litem*.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.  
Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave, Suite 6200  
P.O. Box 62635  
Harrisburg, PA 17106-2635.

All comments shall be received no later than Monday, November 18, 2013.

*By the Juvenile Court  
Procedural Rules Committee*

HONORABLE TODD A. HOOVER,  
*Chairperson*

### Annex A

#### TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART B(2). COUNSEL

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

#### Rule 153. Role of Counsel.

A. *Role of Counsel.* Attorneys who represent juveniles in proceedings commenced pursuant to these Rules and the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* shall:

- 1) zealously and competently represent the juvenile at every stage of the proceedings;
- 2) advise and communicate with the juvenile in a developmentally appropriate manner;
- 3) if applicable, review and complete the admission colloquy mandated by Rule 407 with the juvenile; and
- 4) litigate the juvenile's case when an admission is inappropriate and protect the record for appeal.

B. *Ethical obligations.* The attorney has an ethical and professional obligation to the juvenile, rather than the juvenile's guardian.

#### Comment

Pursuant to paragraph (A)(1) and (B), the attorney has an ethical and professional obligation to the juvenile, rather than the juvenile's guardian. The attorney is to comply with the wishes of the juvenile over the wishes of the juvenile's guardian. *See* Pa.Rs.P.C. 1.6(a) and 1.14(a).

Counsel for the juvenile should comply with basic standards of practice, which may include, but are not limited to: a) interviewing the client as soon as practicable and in advance of any court hearing; b) preparing for the case by seeking and reviewing written allegations, police reports, and interviews; the petition; probation reports; pleadings; relevant laws and procedures; warrants; and any other evidence in law enforcement files or the possession of the attorney for the Commonwealth; c) identifying, interviewing, and preparing witnesses, including requesting witness's contact information; d) obtaining social studies, education records, and any other reports and records from the juvenile probation officer; e) investigating the facts, the scene of the incident, and circumstances surrounding the allegations of delinquency; f) call any necessary experts or investigators as witnesses; g) file timely motions; h) when necessary, request continuances at the juvenile's request; i) review applicable laws, including the Constitution, statutes, Rules of Procedure, Rules of Evidence, case law, local rules, and other persuasive authority; j) when appropriate, negotiate plea agreements; k) litigate important fact and legal issues when appropriate; l) present witnesses, alibis, mitigating circumstances, and other appropriate defenses, including applicable law, to the court; m) gather other information or evidence to support the juvenile's case; n) negotiate the best dispositional outcome for the juvenile; o) file necessary post-dispositional motions; p) attend all hearings; q) when appropriate, file and prepare an appeal; and r) when applicable, file expungement motions.

Pursuant to paragraph (A)(2), the attorney is to communicate in a developmentally appropriate manner with the juvenile so the juvenile can understand the process and make informed decisions.

If a juvenile speaks a different language than the attorney, counsel is to request an interpreter to alleviate any communication barriers in preparing for a case and during all proceedings.

Prior to an admission, a colloquy is to be prepared and presented to the court. *See* Rule 407.

Counsel is to attend all proceedings and remain in the case unless permitted to withdraw pursuant to Rule 150. This includes attendance at all dispositional review and probation revocation hearings. *See* Rule 150(B) on duration of counsel.

For further ethical obligations, see Pa.R.P.C.

## PART [ (D) ] (D)(1). MASTERS

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

**Rule 183. Role of Master.**

A. *Role of Master.* The master shall ensure:

- 1) the juvenile understands and has been apprised:
  - a) of the right to have a hearing before a judge;
  - b) that the findings and recommendations of the master must be approved by the judge before they are final;
  - c) of the rights at each stage of the proceeding, including if the juvenile is admitting to the delinquent acts pursuant to Rule 407, all the rights the juvenile is waiving as set forth in the admission colloquy under Rule 407(C) are understood; and
- 2) the Rules of Juvenile Court Procedure and the requirements of the Juvenile Act are followed at every proceeding.

B. *Ethical Obligations.* The master has ethical and professional obligations pursuant to the Rules of Professional Conduct and the Code of Judicial Conduct.

**Comment**

See the Pa.R.P.C. for specific obligations. See also Canon 7 of the Code of Judicial Conduct for applicability of Code to attorneys presiding as an officer of the judicial system.

**Subpart B. DEPENDENCY MATTERS****CHAPTER 11. GENERAL PROVISIONS****PART B(2). COUNSEL**

Rule 1151. Assignment of [ *Guardian Ad Litem* and ] Counsel.

A. [ *Guardian ad litem for child.* The court shall assign a guardian ad litem to represent the legal interests and the best interests of the child if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent who:

- 1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the physical, mental or emotional health, or morals;
- 2) has been placed for care or adoption in violation of law;
- 3) has been abandoned by parents, guardian, or other custodian;
- 4) is without a parent, guardian or legal custodian; or
- 5) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.C.S. § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety, or welfare of the child.

B. ] *Counsel for child.* The court shall appoint [ legal ] counsel for a child[ ] :

1) ] if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent [ who: ] .

[ a] while subject to compulsory school attendance is habitually and without justification truant from school;

b) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of the child's guardian and who is ungovernable and found to be in need of care, treatment, or supervision;

c) is under the age of ten years and has committed a delinquent act;

d) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or

e) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or

2) upon order of the court.

C. *Counsel and ] B. Guardian ad litem for child.* [ If a child has legal counsel and a guardian ad litem, counsel shall represent the legal interests of the child and the guardian ad litem shall represent the best interests of the child. ] When the court, upon motion or *sua sponte*, determines that the requirements of Rule 1154(B)(4) & (5) have been met, the court shall appoint a guardian *ad litem* for the child. The guardian *ad litem* shall be a licensed attorney or licensed mental health professional.

[ D. ] C. *Time of appointment.*

1) *Child in custody.* The court shall appoint [ a guardian *ad litem* or legal ] counsel immediately after a child is taken into protective custody and prior to any proceeding.

2) *Child not in custody.* If the child is not in custody, the court shall appoint [ a guardian *ad litem* or legal ] counsel for the child when a dependency petition is filed.

[ E. ] D. *Counsel for other parties.* If counsel does not enter an appearance for a party, the court shall inform the party of the right to counsel prior to any proceeding. If counsel is requested by a party in any case, the court shall assign counsel for the party if the party is without financial resources or otherwise unable to employ counsel. Counsel shall be appointed prior to the first court proceeding.

**Comment**

See 42 Pa.C.S. §§ 6302, 6311, and 6337.

[ The guardian *ad litem* ] Counsel for the child may move [ the court for appointment as legal counsel and assignment of a separate ] for appointment of a guardian *ad litem* when[ , for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child ] the requirements of Rule 1154(B)(4) have been met. The attorney is to find: 1) the child has diminished capacity to direct legal representation; 2) the child is at risk of harm; and 3) the attorney cannot adequately act in the child's own interest. To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rule 1800. See also Pa.R.P.C. 1.7 and 1.8. [ Under paragraph (C), legal

counsel represents the legal interests of the child and the guardian *ad litem* represents the best interests of the child. ]

Pursuant to Rule 1154(B)(5), the court, *sua sponte*, may appoint a guardian *ad litem*, at any time when it is necessary for the child’s welfare, safety, or health.

Pursuant to paragraph (B), the guardian *ad litem* does not have to be an attorney. See Comment to Rule 1154 and Rule 1800. The court may appoint a licensed mental health professional. Assigning a court-appointed special advocate in the case may negate the need for appointment of a guardian *ad litem*. See Rule 1158 and 42 Pa.C.S. § 6342.

Nothing in these rules anticipates that a guardian *ad litem* for an adult is to be appointed by these rules. For appointment of a guardian of the person, see 20 Pa.C.S. § 5501 *et seq.* and Pa.O.C. Rules 14.2—14.5.

Pursuant to paragraph [ (E) ] (D), the court is to inform all parties of the right to counsel if they appear at a hearing without counsel. If a party is without financial resources or otherwise unable to employ counsel, the court is to appoint counsel prior to the proceeding. Because of the nature of the proceedings, it is extremely important that every “guardian” has an attorney. Therefore, the court is to encourage the child’s guardian to obtain counsel. Pursuant to Rule 1120, a guardian is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding. See Pa.R.J.C.P. 1120.

\* \* \* \* \*

**Rule 1152. Waiver of Counsel.**

*A. Children.*

[ 1) *Guardian ad litem.* ] A child may not waive the right to [ a guardian *ad litem* ] counsel.

[ 2) *Legal Counsel.* A child may waive legal counsel if:

- a) the waiver is knowingly, intelligently, and voluntarily made; and
- b) the court conducts a colloquy with the child on the record. ]

\* \* \* \* \*

**Comment**

Under paragraph (A), neither a child nor his or her guardian may [ not ] waive the right to [ a guardian *ad litem* ] counsel. The right of waiver to legal counsel belongs to the child, not the guardian. See Rule 1800, which suspends 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the child.

[ It is recommended that, at a minimum, the court ask questions to elicit the following information in determining a knowing, intelligent, and voluntary waiver of counsel:

- 1) Whether the party understands the right to be represented by counsel;
- 2) Whether the party understands the nature of the dependency allegations and the elements of each of those allegations;

3) Whether the party is aware of the dispositions and placements that may be imposed by the court, including foster care placement and adoption;

4) Whether the party understands that if he or she waives the right to counsel, he or she will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules;

5) Whether the party understands that counsel may be better suited to defend the dependency allegations; and

6) Whether the party understands that the party has many rights that, if not timely asserted, may be lost permanently; and if errors occur and are not timely objected to, or otherwise timely raised by the party, the ability to correct these errors may be lost permanently. ]

\* \* \* \* \*

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

**Rule 1153. Role of Counsel.**

*A. Role of Counsel for the child and parents.* Attorneys who represent parties in proceedings commenced pursuant to these Rules and the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* shall:

- 1) zealously and competently represent their client at every stage of the proceedings;
- 2) advise and communicate with their client in a developmentally appropriate manner; and
- 3) litigate the client’s case when appropriate and protect the record for appeal.

*B. Ethical obligations.* Attorneys have an ethical and professional obligation to their clients.

1) The attorney must communicate to their client the meaning of privileged communications and the attorney/client relationship.

2) The client may authorize the attorney’s disclosure of information as is necessary to carry out the representation.

3) After consultation with the attorney, the client, when a child, may permit the attorney to disclose privileged communications to the child’s guardian or other interested person who may be in a position to help support or encourage the child.

4) The child’s attorney may reveal otherwise confidential client communications to the extent that the attorney reasonably believes necessary to prevent child abuse as defined by 23 Pa.C.S. § 6302 and as permitted pursuant to Pa.R.P.C. 1.6.

**Comment**

Counsel for any party should comply with basic standards of practice, which may include, but are not limited to: a) interviewing the client as soon as practicable and in advance of any court hearing; b) preparing for the case by seeking and reviewing all court documents; relevant evidence; county agency reports, files, and interviews; the petition; other agency reports for the family; pleadings; and any other evidence necessary for the proceeding; c) identifying, interviewing, and preparing witnesses, including requesting witness’s contact information; d) investigating the facts and circumstances surrounding the allegations of dependency; e) when appropriate, seek any necessary experts or investigators as witnesses; f) file timely motions; g) gather other evidence to support your

client's case; h) review applicable laws, including the Constitution, statutes, Rules of Procedure, Rules of Evidence, case law, local rules, and other persuasive authority; i) litigate important fact and legal issues when appropriate; j) present witnesses and make recommendations or arguments to the court; k) attend all hearings; and l) when appropriate, file and prepare an appeal.

The purpose of paragraph (A)(2) is to ensure the client can understand the process and make informed decisions. A developmentally appropriate manner will depend on the client and the client's ability to comprehend.

If a party speaks a different language than the attorney, counsel is to request an interpreter to alleviate any communication barriers in preparing for a case and during all proceedings.

In the limited circumstances when an attorney is appointed for a guardian who is not the parent, these rules are to apply.

Counsel is to attend all proceedings and remain in the case unless permitted to withdraw pursuant to Rule 1150. This includes attendance at all permanency hearings. See Rule 1150(B) on duration of counsel.

For further ethical obligations, see Pa.R.P.C.

Rule 1154. Duties of [ *Guardian Ad Litem* ] Counsel.

[ A guardian *ad litem* shall:

1) Meet with the child as soon as possible following assignment pursuant to Rule 1151 and on a regular basis thereafter in a manner appropriate to the child's age and maturity;

2) On a timely basis, be given access to relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;

3) Participate in all proceedings, including hearings before masters, and administrative hearings and reviews to the degree necessary to adequately represent the child;

4) Conduct such further investigation necessary to ascertain the facts;

5) Interview potential witnesses, including the child's guardians, caretakers, and foster parents, examine and cross-examine witnesses, and present witnesses and evidence necessary to protect the best interests of the child;

6) At the earliest possible date, be advised by the county agency having legal custody of the child of:

a) any plan to relocate the child or modify custody or visitation arrangements, including the reasons, prior to the relocation or change in custody or visitation; and

b) any proceeding, investigation, or hearing under the Child Protective Services Law, 23 Pa.C.S. § 6301 et seq. or the Juvenile Act, 42 Pa.C.S. § 6301 et seq., directly affecting the child;

7) Make any specific recommendations to the court relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, including the child's educational, health care, and disability needs;

8) Explain the proceedings to the child to the extent appropriate given the child's age, mental condition, and emotional condition; and

9) Advise the court of the child's wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child's wishes. When appropriate because of the age or mental and emotional condition of the child, determine to the fullest extent possible the wishes of the child and communicate this information to the court. ]

**A. Duties of Counsel for the Child.** Counsel for the child shall:

1) meet with the child as soon as possible following assignment pursuant to Rule 1151 and on a regular basis thereafter;

2) review relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;

3) conduct further investigation necessary to ascertain the facts;

4) interview potential witnesses;

5) attend and present a case, necessary to pursue the child's desired outcome; and

6) present evidence as to the child's educational, health care, and disability needs.

**B. Duties of Counsel when Child has Diminished Capacity in Directing Representation or when Child is at Risk of Harm.**

1) The child's counsel shall determine whether the child has diminished capacity in directing representation.

a) It shall be presumed that a child is capable of directing representation at the age of ten.

b) The presumption of diminished capacity is rebutted if, in the sole discretion of the attorney, the child is deemed capable of directing representation.

c) In making this determination, the attorney should consult with the child and may consult with other individuals or entities who can provide the child's attorney with the information and assistance necessary to determine the child's ability to direct the representation.

2) When a child has diminished capacity in directing representation, counsel shall inform the court and other parties that counsel is exercising substituted judgment. Counsel shall present evidence of diminished capacity to the court. The court shall decide whether the attorney will exercise substituted judgment.

3) When exercising substituted judgment, counsel shall make a good faith effort to determine the child's needs and wishes. The attorney shall:

a) maintain a traditional attorney-client relationship, as far as reasonably possible, with the client and fulfill the duties as outlined in the Rules of Professional Conduct;

b) substitute judgment when, during a temporary period or on a particular issue, it is not reasonably

possible to maintain the attorney-client relationship, and present a case pursuant to paragraph (A)(5);

i) A substituted judgment determination includes determining what the child would decide if he or she were capable of making an adequately considered decision and representing a child with that determination.

ii) The attorney should take direction from the child as the child develops the capacity and any subsequent change in that determination.

4) An attorney shall take reasonable steps to protect the child against harm, and in appropriate cases, may move for appointment of a guardian *ad litem* when the attorney reasonably believes that the attorney cannot adequately act in the child's own interest.

5) The court, *sua sponte*, may appoint a guardian *ad litem* at any time when the court has determined that a guardian *ad litem* is necessary for the child's welfare, safety, or health.

**C. Duties of Counsel for Parents.** Counsel for a parent shall:

1) meet with the parent as soon as possible following assignment and on a regular basis thereafter;

2) review relevant court and county agency records, reports of examination of the other parent or guardians of the child, and medical, psychological, and school records and provide records and reports to the parent when appropriate;

3) conduct further investigation necessary to ascertain the facts;

4) interview potential witnesses;

5) attend and present a case necessary to pursue the parent's desired outcome; and

6) advocate to the court on behalf of the parent's wishes.

**D. Duties of Counsel for the County Agency.** Counsel for the county agency shall:

1) meet with the county agency caseworkers to advance the position of the county agency on relevant issues consistent with the Juvenile Act;

2) review relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;

3) conduct further investigation necessary to ascertain the facts;

4) interview potential witnesses;

5) facilitate discovery as provided in paragraph (D)(3); and

6) attend and present a case necessary to pursue the county agency's interests consistent with the purposes of the Juvenile Act.

#### Comment

[ If there is a conflict of interest between the duties of the guardian *ad litem* pursuant to paragraphs (7) and (9), the guardian *ad litem* for the child may move the court for appointment as legal counsel and assignment of a separate guardian *ad*

*litem* when, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child. If there is not a conflict of interest, the guardian *ad litem* represents the legal interests and best interests of the child at every stage of the proceedings. 42 Pa.C.S. § 6311(b). To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rules 1151 and 1800. See also Pa.R.P.C. 1.7 and 1.8.

“Legal interests” denotes that an attorney is to express the child's wishes to the court regardless of whether the attorney agrees with the child's recommendation. “Best interests” denotes that a guardian *ad litem* is to express what the guardian *ad litem* believes is best for the child's care, protection, safety, and wholesome physical and mental development regardless of whether the child agrees. ]

This rule was revised in 201- to lay out clearly the duties of counsel. The Juvenile Act requires appointment of a guardian *ad litem* for dependent children. Because the role of acting as child's counsel and child's protector confuses the attorney-client relationship and is inherently contradictory, 42 Pa.C.S. § 6311(b) is suspended.

More importantly, this statute violates Pa.R.P.C. 3.7 by directing a witness to serve as the attorney, and thus encroaches on the Supreme Court's duty to regulate the practice of law. Rule 1151(B) provides the guardian *ad litem* does not have to be an attorney. The court could appoint a licensed mental health professional as the guardian *ad litem*. Additionally, the court could appoint a court-appointed special advocate (CASA) to serve in the case which could alleviate the need for appointment of a guardian *ad litem*. See *Comment to Rule 1151*. See also Rule 1158 and 42 Pa.C.S. § 6342. It is the role of counsel to act in the child's legal interests. Therefore, counsel may move for the appointment of, or the court may appoint, a separate individual as guardian *ad litem* who will protect the child when necessary for the child's safety, welfare, and health. This individual will be treated as any other witness and subject to cross-examination. If this person is an attorney, the attorney will not participate as an attorney and is to inform the child that he or she is the appointed guardian *ad litem* and the attorney-client relationship does not apply. See Pa.R.P.C. 3.7 and *Commonwealth v. McMullen*, 961 A.2d 842 (Pa. 2008)(acknowledging that where the Supreme Court has passed a rule pursuant to Article V, Section 10(c) of the Pennsylvania Constitution, a procedural statute conflicting with it is suspended). See also Rule 1151, 1800 and Pa.R.P.C. 1.7 and 1.8.

Pursuant to paragraphs (A)(1), (C)(1), & (D)(1), counsel is to meet with the client as soon as possible after being assigned to the case, and on a regular basis to develop a rapport with the client to be able to understand the client's desires and wishes. Counsel is to communicate in a developmentally appropriate manner with the client so the client can speak easily with counsel and relay his or her wishes.

To prepare fully for the case, counsel is to review all necessary documents pertinent to the case, including court and county agency records; reports of examinations of the guardian(s) or child; and medical, psychological, and school records. See para-

graphs (A)(2), (C)(2), & (D)(2). If counsel does not have the necessary documents, counsel may request discovery pursuant to Rule 1340. The county agency is to give access to discoverable materials in a timely manner and counsel for the county agency is to facilitate this process. See paragraph (D)(5). For counsel representing parents, it may be appropriate to provide the parent with a copy of the report. See paragraph (C)(2).

Pursuant to paragraphs (A)(3)&(4) & (C)(3)&(4), if counsel does not have all the necessary information, counsel is to conduct further investigations and interviews as necessary to ascertain all the facts in the case. This may include visiting the child, parent(s), or guardian(s) at his or her residence or potential residence and inspecting the home conditions, and/or conversing with the client, other parties, guardian(s), caretakers, and foster parents.

Counsel for the child and parent(s) are to attend and present a case consistent with the client's desired outcome under paragraphs (A)(5) & (C)(5). Counsel for the county agency is to pursue the county agency's interest while fulfilling the purposes of the Juvenile Act. See paragraph (D)(6). The county agency is to make specific recommendations relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety. These duties of counsel may include calling pertinent witness, entering necessary evidence, and cross-examining other parties' witness. Whenever relevant, counsel is to present evidence as to the child's educational, health care, and disability needs. See paragraph (A)(6).

When the court appoints a guardian *ad litem* or CASA, the guardian *ad litem* or CASA is to: 1) meet with the child as soon as possible following assignment and on a regular basis thereafter; 2) review relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records; 3) conduct further investigation necessary to ascertain the facts; 4) attend and present a case necessary best suited for the child's safety, welfare, and health; 5) present evidence as to the child's educational, health care, and disability needs; and 6) advocate to protect the child from any harm.

Pursuant to paragraph [ (7) ] (A)(6), the **child's attorney and the guardian *ad litem* [is] or CASA, if appointed** are to make specific recommendations to the court regarding the appropriateness of the child's placement, giving consideration to the proximity and appropriateness of the child's school. See 42 Pa.C.S. § 6311(b)(7) and 42 U.S.C. § 675(1)(G). Inquiries into the child's education should include the right to: 1) educational stability, including the right to remain in the same school regardless of a change in placement when in the child's best interest and the right to immediate enrollment when a school change is in the child's best interest, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services, 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living, 42 Pa.C.S. § 6351 if a child is sixteen or older; and

5) a transition plan that addresses the child's educational needs, 42 U.S.C. § 675(5)(H), if the child will age out of care in the next ninety days.

See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph [ (7) ] (A)(6), the **child's attorney and the guardian *ad litem* [is] or CASA** are to make specific recommendations to the court regarding the appropriateness of the child's placement, giving consideration to meeting the child's needs concerning health care and disability. Inquiries into the child's health should include the right of: 1) the child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code §§ 3700.51 and 3800.32, 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794 and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

The guardian *ad litem* may be appointed as the educational decision maker. If the guardian *ad litem* is not the educational decision maker, the guardian *ad litem* is to coordinate efforts and consult with the educational decision maker. See Rule 1147 for duties of the educational decision maker.

**In all cases, a child is to have counsel. Counsel is to fulfill his or her professional duties as an attorney and to maintain a normal attorney-client relationship, as far as reasonably possible with a child as the client.**

However, there may be instances in which the child has diminished capacity. Pursuant to paragraph (B)(1), a child is presumed to be capable of directing representation at the age of ten. The attorney is to consult with other individuals and/or entities who can provide counsel with information concerning the child's ability to direct representation. Only the attorney can determine whether the child is capable of directing representation or the child has diminished capacity.

Pursuant to paragraph (B)(2), if a child has diminished capacity in directing representation, counsel is to move for the appointment of a guardian *ad litem*.

The following language has been taken from the ABA Model Act Explanatory Comment and may be helpful when determining if a child has diminished capacity in directing representation: **Consistent with Rule 1.14, ABA Model Rules of Professional Conduct (2004), the child's lawyer should determine whether the child has sufficient maturity to understand and form an attorney-client relationship and whether the child is capable of making reasoned judgments and engaging in meaningful communication. It is the responsibility of the child's lawyer to determine whether the child suffers from diminished capacity. This decision shall be made after sufficient contact and regular communication with the client. Determination about capacity should be grounded in insights from child development science and should focus on the child's decision-making process rather than the child's choices themselves. Lawyers should be careful not to conclude that the child suffers diminished capacity**



from a client's insistence upon a course of action that the lawyer considers unwise or at variance with lawyer's view.

When determining the child's capacity the lawyer should elicit the child's expressed wishes in a developmentally appropriate manner. The lawyer should not expect the child to convey information in the same way as an adult client. A child's age is not determinative of diminished capacity. For example, even very young children are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody.

Criteria for determining diminished capacity include the child's developmental stage, cognitive ability, emotional and mental development, ability to communicate, ability to understand consequences, consistency of the child's decisions, strength of wishes and the opinions of others, including social workers, therapists, teachers, family members or a hired expert. To assist in the assessment, the lawyer should ask questions in developmentally appropriate language to determine whether the child understands the nature and purpose of the proceeding and the risks and benefits of a desired position. A child may have the ability to make certain decisions, but not others. A child with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the child's own well-being such as sibling visits, kinship visits and school choice and should continue to direct counsel in those areas in which he or she does have capacity. The lawyer should continue to assess the child's capacity as it may change over time. *See Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings*, dated August, 2011 from the American Bar Association.

Pursuant to paragraph (B)(4), when the attorney reasonably believes that the child is at risk of harm unless action is taken, and cannot adequately act in the child's own interest, the attorney is to move for appointment of a guardian *ad litem* to advocate for the child's safety, welfare, and health.

Attorneys for children and parents are to engage in out-of-court advocacy, including attending and participating in family service plan meetings, necessary to advocate effectively for their clients.

Pursuant to paragraph (C), there may be times when the court appoints counsel for other guardians. Counsel for other guardians should follow the same requirements as the requirements for a parent's attorney.

Paragraph (D)(6) requires the attorney for the county agency to attend and present a case necessary to pursue the county agency's interests consistent with the purposes of the Juvenile Act. The attorney is to enter evidence into the record and offer witnesses who are subject to cross-examination. It is the sole duty of the county agency through its attorney to present a case to the court consistent with the actions of the county agency and in support of the dependency petition.

The county agency is to file the petition. *See* Rule 1330. The county agency is also to ensure that if removal of the child from the home is proposed or has occurred that: a) the child's placement is the least restrictive placement that meets the needs of

the child supported by reasons why there are no less restrictive alternatives available; b) continuation in the home is contrary to the welfare, safety, or health of the child; c) services are being provided to the guardian unless the court has made a finding that no reasonable efforts to prevent placement or promote reunification are necessary; or d) it has made all reasonable efforts to achieve permanency in a timely manner and if reasonable efforts are not made, provide evidence that lack of services was reasonable. *See* Rules 1512(D)(2) and 1514.

The county agency is to advise the attorneys, and if appointed, the guardian *ad litem* or CASA, and unrepresented parties of: a) any plan to relocate the child or modify custody or visitation arrangements, including the reasons, prior to the filing of a motion pursuant to Rule 1606 or a change in visitation; and b) any proceeding, investigation, or hearing under the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.* or the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, directly affecting the child.

Nothing in this rule is intended to absolve the attorneys from the Rules of Professional Conduct when speaking with represented parties. The attorney for the county agency can authorize general questioning of county agency caseworkers without his or her presence. To wait for the attorney to approve or be present for questioning would create delays in the system.

\* \* \* \* \*

#### PART D. PROCEEDINGS IN CASES BEFORE MASTER

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

##### Rule 1183. Role of Master.

A. *Role of Master.* The master shall ensure:

- 1) that the juvenile understands and has been apprised:
  - a) of the right to have a hearing before a judge;
  - b) that the findings and recommendations of the master must be approved by the judge before they are final;
  - c) of their rights at each stage of the proceeding; and
- 2) the Rules of Juvenile Court Procedure and the requirements of the Juvenile Act are followed at every proceeding.

B. *Ethical Obligations.* The master has ethical and professional obligations pursuant to the Rules of Professional Conduct and the Code of Judicial Conduct.

##### Comment

*See* the Pa.R.P.C. for specific obligations. *See also* Canon 7 of the Code of Judicial Conduct for applicability of Code to attorneys presiding as an officer of the judicial system.

#### CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

##### PART D. PROCEDURES FOLLOWING FILING OF PETITION

##### Rule 1340. Discovery and Inspection.

A. *Informal.* Before any party, guardian *ad litem* or court-appointed special advocate (CASA) can seek any disclosure or discovery under these rules, the parties

or their counsel shall make a good faith effort to resolve all questions of discovery, and to provide information required or requested under these rules as to which there is no dispute. When there are items requested by one party that the other party has refused to disclose, the demanding party may make an appropriate motion to the court. Such motion shall be made as soon as possible prior to the hearing. In such motion, the party, **guardian ad litem or CASA** shall state that a good faith effort to discuss the requested material has taken place and proved unsuccessful. Nothing in this rule shall delay the disclosure of any items agreed upon by the parties pending resolution of any motion for discovery.

*B. Mandatory disclosure.*

1) *By the county agency.* In all cases, on request by a party, **guardian ad litem or CASA** and subject to any protective order which the county agency might obtain under this rule, the county agency shall disclose to a party, **guardian ad litem or CASA**, all of the following requested items or information, provided they are material to the instant case. The county agency shall, when applicable, permit a party, **guardian ad litem or CASA** to inspect and copy or photograph such items:

a) the name and last known address of each witness to the occurrence that forms the basis of allegations of dependency unless disclosure is prohibited by law;

b) the name and last known address of each witness who did not witness the occurrence but is expected to testify;

c) copies of any written statements made by any party or witness unless disclosure is prohibited by law;

d) any results or reports of scientific tests or expert opinions that are within the possession or control of the county agency that the county agency intends to use as evidence at a hearing;

e) any police reports, records of prior county agency involvement, or records of current or prior reports involving the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.*, that the county agency intends to use as evidence at a hearing;

f) if any physical or mental condition of a party is in controversy, any physical or mental examinations, including oral or written reports that a party intends to use as evidence at the hearing;

g) any tangible objects, including documents, photographs, or other tangible evidence unless disclosure is prohibited by law;

h) the names, addresses, and curriculum vitae of any expert witness that a party intends to call at a hearing and the subject matter about which each expert witness is expected to testify, and a summary of the grounds for each opinion to be offered; and

i) any other evidence that is material to adjudication, disposition, dispositional review, or permanency unless disclosure is prohibited by law, and is within the possession or control of the county agency;

2) *By all other parties.* All other parties shall provide discovery to the county agency and all other parties, **guardian ad litem or CASA** and shall disclose, all of the following requested items or information that the party intends to use at a hearing, provided they are material to the instant case unless disclosure is prohibited by law. The party shall, when applicable, permit the county agency to inspect and copy or photograph such items:

a) the names and last known addresses of each witness who is expected to testify;

b) copies of any written statements made by any party or witness;

c) any tangible objects, including documents, photographs, or other tangible evidence;

d) the names, addresses, and curriculum vitae of any expert witness that a party intends to call at a hearing and the subject matter about which each expert witness is expected to testify, and a summary of the grounds for each opinion to be offered; and

e) any other evidence that a party intends to introduce at a hearing.

*C. Discretionary.* Upon motion of any party, **guardian ad litem or CASA** for discovery, the court may order any discovery upon a showing that the evidence is material to the preparation of the case and that the request is reasonable.

*D. Continuing Duty to Disclose.* If, prior to or during a hearing, either party discovers additional evidence or material previously requested or ordered to be disclosed by it, which is subject to discovery or inspection under this rule, or the identity of an additional witness or witnesses, such party promptly shall notify the opposing party or the court of the additional evidence, material, or witness.

*E. Remedy.* If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule, the court may order such party to permit discovery or inspection, may grant a continuance, or may prohibit such party from introducing evidence or witnesses not disclosed, or it may enter such other order as it deems just under the circumstances.

*F. Protective orders.* Upon a sufficient showing, the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate to protect the best interests of the child. Upon motion of any party, **guardian ad litem or CASA**, the court may permit the showing to be made, in whole or in part, in the form of a written statement to be inspected by the court. If the court enters an order granting relief, the entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.

*G. Work Product.* Disclosure shall not be required of legal research or of records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for a party, **guardian ad litem or CASA**, or members of their legal staffs.

**Comment**

**If a guardian ad litem or CASA is appointed to the case, he or she is entitled to discovery pursuant to this Rule. See Comment to Rule 1154 for role of guardian ad litem. See Rule 1158 and 42 Pa.C.S. § 6342 for role of CASA.**

Discovery under this rule applies to discovery for the adjudicatory hearing, dispositional hearing, dispositional review hearings, or permanency hearings of dependency proceedings governed by the Juvenile Act. *See* Rule 1100 for scope of rules. *See* Rule 1123 for production of documents pursuant to a *subpoena duces tecum*. *See also In re A.H.*, 763 A.2d 873 (Pa. Super. Ct. 2000).

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to dependency proceedings only:

\* \* \* \* \*

3) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6311(a), which provides that the guardian ad litem must be an attorney at law, is suspended as the Act is inconsistent with Rules 1151 and 1154 and Pa.R.P.C. 3.7, which provide that the guardian ad litem does not have to be an attorney at law and a witness may not serve as an attorney for the child.**

4) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6311(b)(9), which provides that there is not a conflict of interest for the guardian ad litem in communicating the child's wishes and the recommendation relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, is suspended only insofar as the Act is inconsistent with Rules 1151 and 1154 [ , which allows for appointment of separate legal counsel and a guardian ad litem when the guardian ad litem determines there is a conflict of interest between the child's legal interest and best interest ] and Pa.R.P.C. 3.7, which provides counsel shall represent the child's legal interests and communicate the child's wishes, the guardian ad litem, if appointed, shall advocate for the safety, welfare, and health of the child.**

[ 4 ] 5) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the child, is suspended only insofar as the Act is inconsistent with Rule 1152, which does not allow a guardian or a child to waive the child's right to counsel [ and a child may not waive the right to a guardian ad litem ] .**

[ 5 ] 6) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or classes of cases be conducted by the master, is suspended only insofar as the Act is inconsistent with Rule 1187, which allows masters to hear only specific classes of cases.**

[ 6 ] 7) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6324, which authorizes law enforcement officers to take a child into custody, is suspended only insofar as the Act is inconsistent with Rule 1202, which provides for police officers and juvenile probation officers taking a child into custody.**

[ 7 ] 8) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6331, which provides for the filing of a petition with the court within twenty-four hours or the next business day of the admission of the child to shelter care, is suspended only insofar as the Act is inconsistent with the filing of a petition within twenty-four hours or the next business day from the shelter care hearing if the child is in protective custody under Rules 1242 and 1330(A).**

[ 8 ] 9) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6334, which provides that any person may bring a petition, is suspended only insofar as the Act is inconsistent with Rules 1320, 1321, and 1330, which**

The purpose of paragraph (A) is to encourage an informal discovery process. Only when the informal process fails and there is a genuine dispute as to discovery, should a motion to compel discovery be made. Motions may be oral or written, see Rule 1344.

The items listed in paragraph (B) are to be disclosed to ensure a party, **guardian ad litem or CASA** has the ability to prepare adequately for the hearing. See *In re J.C.*, 412 Pa. Super. 369, 603 A.2d 627 (1992).

See Rule 1800 for suspension of 23 Pa.C.S. § 6339, which provides for the confidentiality of reports made pursuant to the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.*, which is suspended only insofar as the Law is inconsistent with Rule 1340(B)(1)(e), which provides for the disclosure of such reports if the reports are going to be used as evidence in a hearing to prove dependency of a child. It is important to note that this section is only suspended if the reports are going to be used as evidence during a hearing. If the reports are not going to be used, the confidentiality requirements of 23 Pa.C.S. § 6339 still apply. In addition, confidential sources are protected and the name of the source does not have to be disclosed. See 23 Pa.C.S. § 6340 (c) for protection of confidential sources reporting allegations of abuse under the Child Protective Services Law. 23 Pa.C.S. § 6301 *et seq.*

Under paragraph (C), the following are examples of evidence that may be material to the preparation of the case, but the list is not meant to be exhaustive: 1) domestic violence treatment records; 2) drug and alcohol treatment records; 3) mental health records; 4) medical records; 5) any other evidence specifically identified, provided the requesting party can additionally establish that its disclosure would be in the interests of justice, including any information concerning any person involved in the case who has received either valuable consideration, or an oral or written promise or contract for valuable consideration, for information concerning the case, or for the production of any work describing the case, or for the right to depict the character of the person in connection with his or her involvement in the case. Items listed in this paragraph are subject to rules of confidentiality and this rule is not intended to subrogate those rules.

Under paragraph (C), the court has discretion, upon motion, to order an expert who is expected to testify at a hearing to prepare a report. However, these provisions are not intended to require a prepared report in every case. The court should determine, on a case-by-case basis, whether a report should be prepared. For example, a prepared report ordinarily would not be necessary when the expert is known to the parties and testifies about the same subject on a regular basis. On the other hand, a report might be necessary if the expert is not known to the parties or is going to testify about a new or controversial technique.

It is intended that the remedies provided in paragraph (E) apply equally to all parties, as the interests of justice require.

The provision for a protective order, paragraph (F), does not confer upon any party any right of appeal not presently afforded by law.

In addition to information requested under this rule, an attorney has the right to inspect all court records and files. See Rule 1160.

\* \* \* \* \*

provide that the county agency may file a petition and any other person shall file an application to file a petition.

[ 9 ] 10) The Act of December 19, 1990, P. L. 1240, No. 206, § 2, 23 Pa.C.S. § 6339, which provides for the confidentiality of reports made pursuant to the Child Protective Services Law, 23 Pa.C.S. § 6301 et seq., is suspended only insofar as the Law is inconsistent with Rule 1340(B)(1)(e), which provides for the disclosure of such reports if the reports are going to be used as evidence in a hearing to prove dependency of a child.

[ 10 ] 11) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335, which provides that a copy of the petition is to accompany a summons, is suspended only insofar as the Act is inconsistent with Rule 1360, which provides that the summons is to include a copy of the petition unless the petition has been previously served.

[ 11 ] 12) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6336.1(b)(2), which provides that the foster parent or parents, preadoptive parent or relative providing care for the child has a right to submit a report to the court, is suspended only insofar as the Act is inconsistent with Rule 1604, which requires the report to be submitted to a court designee who files the report and submits it to the judge, attorneys, parties, and if appointed, a court appointed special advocate.

[ 12 ] 13) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6351(e)(3)(i)(B), which provides for permanency hearings within six months of each previous permanency hearing until the child is returned home or removed from the jurisdiction of the court, is suspended only insofar as the Act is inconsistent with Rule 1607, which requires permanency hearings in all cases until the child is removed from the jurisdiction of the court.

\* \* \* \* \*

[Pa.B. Doc. No. 13-1955. Filed for public inspection October 18, 2013, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; No. 10130-2001

##### Administrative Order

The following additions to the Beaver County Local Rules of Civil Procedure are hereby adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d). L.R. 8000 and L.R. 8001 governing Local Real Estate Assessment Appeal Practice are adopted.

The District Court Administrator is Directed to:

(1) file one (1) certified copy of the Local Rules with the Administrative Office of Pennsylvania Courts;

(2) submit two (2) certified copies of the Local Rules and a copy on computer diskette or CD-ROM containing the text of the Local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) submit one (1) certified copy of the Local Rules to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

(4) keep a copy continuously available for public inspection and copying in the Office of the Prothonotary of Beaver County;

(5) keep a copy continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

JOHN D. McBRIDE,  
President Judge

### REAL ESTATE ASSESSMENT APPEALS

#### LR8000. Real Estate Assessment Appeals.

A. All appeals taken from a real estate assessment fixed by the Board of Assessment Appeals shall be presented in the form of a Petition for Allowance of Appeal in Civil Motion Court.

B. The Petition for Allowance of Appeal, presented to the Court, shall have attached to it a proposed preliminary decree which shall provide:

1. that the appeal is allowed and the issuance of a Rule to Show Cause shall be issued on the Beaver County Tax Assessment Office;

2. that the taxing authorities within whose jurisdiction the real estate is situated and the property owner, if the appellant is not the property owner, are hereby notified that the leave to intervene in said appeal, if desired, must be sought in accordance with Pa.R.C.P. 2328—2330; and

3. that within five days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the Board of Assessment Appeals, the Board of Commissioners of Beaver County, the governing bodies of the school district and each municipality in which the real estate is situate, and upon the property owner, if the appellant is not the property owner.

C. If the Petition for Allowance of Appeal is not properly served in accordance with B(3) the Petition may be dismissed.

#### LR8001. Pre-Hearing Statement and Conference.

A. Within forth-five (45) days after required service of the petition and preliminary decree, all parties of record shall submit a pre-hearing statement to the Court Administrator and serve a copy on all other parties of record. The pre-hearing statement shall include:

1. A summary of the facts which will be offered by oral and documentary evidence at the hearing;

2. A list of exhibits to be offered;

3. A list of the names and addresses of all witnesses to be called;

4. Copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;

5. A statement of the current valuation which is the basis for the appeal;

6. A statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio and assessment;

7. A statement that there have been negotiations between the parties and a good faith attempt to settle the case;

8. The statement shall be signed by the parties or their counsel; and

9. An affidavit that the service of the petition and the preliminary decree was made on all parties as required by Local Rule 8000(B)(3).

B. Upon receipt of the pre-hearing statement of the parties of record, the Court Administrator shall refer the case to a member of the Court who shall schedule a pre-hearing conference at which the parties of record and their counsel shall be present. Notice of the pre-hearing conference shall be given by the Court Administrator to all affected taxing authorities whether or not parties of record.

C. At the pre-hearing conference, the parties of record shall consider:

- 1. possible stipulations as to evidence and facts;

- 2. simplification of the issue; and
- 3. settlement.

D. At the pre-hearing conference each party of record shall either be personally present, or shall be represented by counsel authorized to act on behalf of the absent party of record with respect to the trial of the case or its settlement.

E. Following the pre-hearing conference the Court will enter an appropriate order which may include the scheduling of a hearing.

[Pa.B. Doc. No. 13-1956. Filed for public inspection October 18, 2013, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 29 ]

[ L-2013-2349042 ]

### Motor Carrier Vehicle List and Vehicle Age Requirements

The Pennsylvania Public Utility Commission (Commission), on April 4, 2013, adopted a proposed rulemaking order amending its current motor carrier passenger regulations to eliminate the vehicle list requirements for taxis and limousines, eliminate the waiver exception for vehicle age limitation for taxis and replace the vehicle age limitation for limousines with a vehicle mileage requirement.

#### *Executive Summary*

Section 1501 of the Public Utility Code requires every public utility in Pennsylvania to “maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.” 66 Pa.C.S. § 1501. Pursuant to that authority and Section 501 of the Public Utility Code, the Commission enacted the regulations at Sections 29.314(c)—(d) and 29.333(d)—(e) to ensure a safe and practical taxi and limousine fleet for the public by requiring motor carriers of passengers to provide vehicle lists and to upgrade vehicles older than eight model years. The correlation between a vehicle’s age and mileage and its reliability and safety is a matter of common sense and practical experience. *Keystone Cab Serv. v. Pa. Public Utility Commission*, 54 A.3d 126, 129 (Pa. Cmwlth. 2012) (observing that the Commission carefully considered comments from the industry during the rulemaking process).

Since the vehicle list regulations do not effectively aid in Commission enforcement efforts, the Commission proposes to eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d). The Commission has also determined that the waiver exception is no longer in the public interest since reviewing applications for waiver exceptions for taxis that are older than eight model years consumes limited Commission resources that could be more effectively and efficiently utilized in other areas of motor carrier enforcement. Accordingly, the Commission proposes to eliminate the waiver exception in Section 29.314(d). Since limousines tend to accumulate mileage and incur wear and tear at a slower rate than taxis, the Commission proposes to replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement.

Public Meeting held  
April 4, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Motor Carrier Vehicle List and Vehicle Age Requirements;*  
*Doc. No. L-2013-2349042*

### Proposed Rulemaking Order

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) proposes to amend its current motor carrier passenger regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement. The Commission seeks comments from all interested parties on these proposed regulation amendments, which follows as Annex A to this Order.

#### *Background*

On March 24, 2005, the Commission issued a Proposed Rulemaking Order that discussed, inter alia, adding Sections 29.314(c)—(d) and 29.333(d)—(e) to the *Pennsylvania Code* to establish vehicle list and age requirements for taxis and limousines. Proposed Rulemaking Amending 52 Pa. Code Chapters 29 and 31, Docket No. L-00020157, 2004 WL 1585868 (Mar. 24, 2005). In its proposed rulemaking, the Commission believed at the time that the annual vehicle list requirement for taxis and limousines would aid the Commission in enforcement efforts. The Commission also determined that an eight-year vehicle age limitation for vehicles utilized in taxi and limousine service would ensure a current, reliable fleet. In the Proposed Rulemaking Order, the Commission did not propose a waiver exception to the eight-year vehicle age limitation. Id.

After receiving and considering numerous public comments, the Commission issued a Final Rulemaking Order on August 16, 2005. Final Rulemaking Order Amending 52 Pa. Code Chapters 29 and 31, Docket No. L-00020157, 2005 WL 2205731 (Aug. 16, 2005). The Commission had received extensive commentary on the vehicle age requirement for taxis, suggesting that the requirement would unnecessarily increase industry costs and that a vehicle’s age is not necessarily an accurate barometer of the vehicle’s condition. In the Final Rulemaking Order, the Commission responded that while “age is not synonymous with condition,” age is still one of the most important factors indicating whether a vehicle is fit for service. The Commission further noted that age is a viable and efficient tool for the Commission to utilize in undertaking its difficult task of ensuring a safe and reliable taxi fleet for the public. However, given the potential undue hardship asserted by select motor carriers, the Commission decided to impose the eight year limit, subject to a specific exemption for vehicles that are otherwise deemed safe by the Commission. Observing that a waiver exception would necessitate a certain amount of discretion by the Commission’s enforcement personnel, the Commission added the waiver exception language “Unless otherwise permitted by the Commission” to the vehicle age requirement for taxis to Section 29.314(d).

The Commission received similar comments and concerns from interested parties regarding the vehicle age requirement for limousines. Therefore, the Commission also added the waiver exception language “Unless otherwise permitted by the Commission” to the vehicle age requirement for limousines to Section 29.333(e).

The Commission’s regulations at Sections 29.314(c)—(d) and 29.333(d)—(e) became effective on August 5, 2006 and remain in effect.

### Discussion

In an effort to streamline procedures to more efficiently and effectively use Commission resources in regulating motor carriers of passengers, the Commission now seeks to amend its regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement.<sup>1</sup>

Section 1501 of the Public Utility Code requires every public utility in Pennsylvania to “maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.” 66 Pa.C.S. § 1501. Pursuant to such authority and Section 501 of the Public Utility Code, the Commission enacted the regulations at Sections 29.314(c)—(d) and 29.333(d)—(e) to ensure a safe and reliable taxi and limousine fleet for the public by requiring motor carriers of passengers to provide vehicle lists and to upgrade vehicles older than eight model years. The Commission acted well within its statutory authority in enacting the eight-year age limitation on vehicles. *Keystone Cab Serv. v. Pa. Public Utility Commission*, 54 A.3d 126, 128 (Pa. Cmwlth. 2012) (observing that the Commission carefully considered comments from the industry during the rulemaking process). The Court also observed that the correlation between a vehicle’s age and mileage and its reliability and safety is a matter of common sense and practical experience. *Id.* at 129.

The Commission has now determined that the vehicle list regulation is an unnecessary requirement since it does not effectively aid in Commission enforcement efforts. The Commission has also determined that the waiver exception is no longer in the public interest since reviewing applications for waiver exceptions for taxis that are older than eight model years consumes limited Commission resources that could be more effectively and efficiently utilized in other areas of motor carrier enforcement. As to limousines, the Commission finds that a mileage limitation is more appropriate than an age limitation since limousines generally tend to accumulate mileage and incur wear and tear at a slower rate than taxis.

#### I. *Eliminating the Vehicle List Requirement for Taxis and Limousines*

In 2001, the Legislative Budget and Finance Committee (LBFC) recommended that all Pennsylvania taxis and limousines should be individually registered with the Commission to: (1) enable the Commission to maintain basic management information on taxis and limousines and (2) enable the Commission to systematically inspect vehicles based upon poor maintenance histories. Commonwealth Regulation of Taxicab and Limousine Service: A Report in Response to House Resolution 247, Legislative Budget and Finance Committee, at S-7 (Dec. 2001).

This vehicle list requirement did permit the Commission to maintain basic management information for carri-

<sup>1</sup> The Commission receives many applications requesting to use older vehicles in good condition in limousine service. Unlike taxis that are subject to more constant use, limousines tend to accumulate mileage and incur wear and tear at a slower rate. Therefore, the use of older limousines generally does not invoke the same kind of safety and reliability concerns as older taxis. The Commission finds that a mileage limitation (1) provides a clear and fair standard for the industry and (2) is a viable and efficient tool for the Commission to utilize in ensuring safe and reliable limousine service for the public.

ers that complied with the vehicle list requirement. However, since the list is only required for submission once a year between December 1 and December 31, the list often became unreliable and outdated due to frequent vehicle turnover. Presently, enforcement officers can obtain an up-to-date vehicle list for all the vehicles in a carrier’s fleet on the date of inspection of any vehicle in the carrier’s fleet. Therefore, the Commission finds that vehicle list requirement has not provided the Commission with accurate, up-to-date information. Accordingly, since requiring vehicle lists for taxis and limousines is unnecessary as the lists do not effectively aid in Commission enforcement efforts, the Commission proposes eliminating the existing vehicle list requirements at Section 29.314(c) for taxis and Section 29.333(d) for limousines.

#### II. *Eliminating the Waiver Exception For Vehicle Age of Taxis*

##### A. *Commission Review Process of Vehicle Age Limitation Waiver Requests*

Commission review of a waiver request can be a fairly extensive and time-consuming process, depending on the completeness of the application and the timing of the filing of the application. Upon receiving a waiver request for a single vehicle, the Manager of the Transportation Division (the manager) assigns the application for review to a motor carrier compliance specialist (the specialist). The specialist reviews the application to ensure all information is included. If the application is missing information, the specialist contacts the carrier via letter, providing 10 business days to provide the missing information. If no information is received, the specialist, with approval of the manager, submits a letter to the carrier that dismisses the application with a reason and explains that a carrier can challenge the dismissal within 20 days by filing a request for reconsideration.

If incomplete information is submitted again, the specialist submits a second letter, providing an additional 10 working days to receive the missing information. If information is still missing, the specialist, with approval of the manager, submits a letter to the carrier that dismisses the application with a reason and explains that a carrier may challenge the dismissal within 20 days by filing a request for reconsideration. If the application is complete, the specialist begins processing the application.

Upon obtaining a completed application, the specialist first reviews photographs to assess the condition of the vehicle and checks the mileage. The specialist then reviews one year of maintenance records to determine whether the vehicle has been properly maintained. The specialist reviews the reason provided by the applicant as to why the vehicle is worthy to remain in service. The specialist reviews financial records to verify existence of a financial hardship. The specialist reviews Commission records to verify the carrier’s compliance with all fines and assessments. The specialist then verifies that the financial information provided matches information listed on the assessment report. The specialist checks records at the Pennsylvania Department of Transportation to ensure the vehicle is properly registered to the carrier and has been in service.<sup>2</sup>

If the specialist determines that a vehicle will not be approved at any point in reviewing the application, the specialist, with approval of the manager, submits a letter to the carrier that dismisses the application with a reason

<sup>2</sup> The Vehicle Identification Number is checked instead of license plate tags to avoid any possibility of a carrier transferring tags from one vehicle to another that is already older than eight model years, thereby requesting a waiver on a vehicle that was not in service.

and explains that a carrier may challenge the dismissal within 20 days by filing a request for reconsideration. Upon receiving a request for reconsideration, the Commission re-opens the entire case and reviews again. The Commission's Office of Special Assistants prepares an order for all appeals.

If the vehicle survives the above review of the application, the specialist, with approval of the manager, submits a letter to the carrier indicating that the vehicle was approved to be inspected and that the carrier will be contacted by an enforcement officer within 60 days to arrange a mutually agreeable time for the inspection. The letter specifically informs the carrier to ensure that the vehicle has no defects causing the vehicle to be "rejected" and thus not subject to re-inspection. With approval by the manager, the specialist then submits a memorandum and a certificate to the relevant District Office of the Commission's Bureau of Investigation and Enforcement, requesting an inspection for the vehicle. An enforcement officer will contact the carrier within 60 days to schedule a time for a "four wheels off" inspection. If the vehicle does not pass inspection, the Enforcement Officer notifies the carrier who signs the inspection report. The Enforcement Officer then submits a copy of the inspection report signed by the carrier, the certificate, and the original inspection report to the compliance specialist.

If the vehicle passes inspection, the Enforcement Officer issues the certificate, performs proper documentation, and sends the original inspection report back to the compliance specialist in charge of the case. Then, the compliance specialist verifies and closes the case.

#### *B. Statistics Regarding Recent Waiver Requests Filed With the Commission*

Of the 172 taxi companies regulated by the Commission eligible to file requests for waivers in 2012, only 25 companies requested waivers for 2013 for a total of 112 vehicles. The Commission approved the applications of nine companies for a total of 16 vehicles. All carriers whose applications were denied filed requests for reconsideration.

These statistics demonstrate that out of 112 self-selected vehicles presented for waiver applications, less than 15% passed the Commission's safety and reliability standards for taxis to operate in motor carrier service for the public. Given this extremely low passing rate, the Commission's administrative costs to manage the waiver program and the potential safety risks associated with the use of older taxis outweigh any public benefit of maintaining and administering the waiver program.

In 2009, 2010, and 2011, nearly half of the motor carriers (taxi and limousine) that requested waiver exceptions did not file requests until a few weeks before the deadline. In 2012, over half of the motor carriers that requested waiver exceptions did not file requests until a few weeks before the deadline. This has placed a tremendous burden on the small contingent of motor carrier enforcement officers at the Commission since the officers are unable to carry out any other assignments during this time period.

Accordingly, since Commission review of a waiver request can be a fairly extensive and time-consuming process, the Commission finds that the waiver exception<sup>3</sup>

<sup>3</sup> A carrier regulated by the Commission may still file a petition for waiver of Commission regulations. 52 Pa. Code § 5.43 (providing rules governing petitions for issuance, amendment, repeal, or waiver of Commission regulations). For example, carriers with antique or classic vehicles in good condition still have the option to file a petition for waiver of Commission regulations to provide motor carrier passenger service to the public.

is no longer in the public interest and takes resources away from the Commission's statutory mandate to ensure safe and reliable taxi service for the public.

#### *III. Replacing the Vehicle Age Limitation for Limousines With A Vehicle Mileage Limitation*

Due to the number of applications requesting to use older vehicles in good condition in limousine service, the Commission proposes to replace the eight-year vehicle age limitation for limousines with a vehicle mileage limitation of 200,000 miles.

The Commission receives many applications requesting to use older vehicles, including antiques, in good condition in limousine service. Unlike taxis that are subject to more constant use, limousines tend to accumulate mileage and incur wear and tear at a slower rate. Therefore, the use of older limousines generally does not invoke the same kind of safety and reliability concerns as older taxis. The Commission finds that a mileage limitation for limousines (1) provides a clear and fair standard for the industry and (2) is a viable and efficient tool for the Commission to utilize in ensuring safe and reliable limousine service for the public.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 3, 2013, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. 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 Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Conclusion*

The Commission has proposed the amended regulations issued for comment by this Order in order to streamline Commission procedures and requirements pertaining to motor common carriers of passengers. The Commission, therefore, formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code §§ 29.314(c)—(d) and 52 Pa. Code §§ 29.333(d)—(e) consistent with Annex A to this Order. The Commission seeks comments from all interested parties on these proposed amended regulations.

Accordingly, pursuant to sections 501 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501); 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 at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A; *Therefore,*



*It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.

2. The Secretary shall submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this proposed rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this proposed rulemaking order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. Original written comments referencing Docket No. L-2013-2349042 be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

6. A copy of this proposed rulemaking order and Annex A shall be served on the Bureau of Technical Utility Services, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and all affected jurisdictional passenger motor carriers.

7. The contact person for this proposed rulemaking is Kenneth R. Stark, Assistant Counsel, Law Bureau, (717) 787-5558. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-296. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**

**Subchapter D. SUPPLEMENTAL REGULATIONS  
CALL OR DEMAND SERVICE**

**§ 29.314. Vehicle and equipment requirements.**

\* \* \* \* \*

(c) [ *Vehicle list*. Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(d) [ *Vehicle age*. Unless otherwise permitted by the Commission, a vehicle may not be operated in call and demand service which ] A vehicle that is more than 8 model years old may not be operated in

call and demand service. For example, the last day on which a [ 1996 ] 2014 model year vehicle may be operated in taxi service is December 31, [ 2004 ] 2022. This provision is effective after [ August 6, 2007 ] \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*)

[ (e) ] (d) *Dome lights*. Unless otherwise permitted by the Commission, vehicles operated by call and demand carriers must have a dome light affixed to the roof of the vehicle. The dome light shall be visible from a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

**LIMOUSINE SERVICE**

**§ 29.333. Vehicle and equipment requirements.**

\* \* \* \* \*

(d) [ *Vehicle list*. Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(e) [ *Vehicle [ age ] mileage*. Unless otherwise permitted by the Commission, a ] A vehicle with more than 200,000 miles of cumulative mileage registered on its odometer may not be operated in limousine service [ which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in limousine service is December 31, 2004 ]. This provision is effective [ August 6, 2007 ] after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*)

[Pa.B. Doc. No. 13-1957. Filed for public inspection October 18, 2013, 9:00 a.m.]

**[ 52 PA. CODE CH. 121 ]  
[ L-2012-2317274 ]**

**Review of Long-Term Infrastructure Improvement Plan**

The Pennsylvania Public Utility Commission (Commission), on March 14, 2013, adopted a proposed rulemaking order which sets forth regulations for filing a Long-Term Infrastructure Improvement Plan to ensure that utilities are planning and executing expenditures that will maintain and improve safety, adequacy and reliability of existing distribution infrastructure.

*Executive Summary*

On February 14, 2012, Governor Corbett signed into law Act 11 of 2012 (Act 11), which, inter alia, authorizes water and wastewater utilities, electric distribution companies (EDCs), and natural gas distribution companies (NGDCs) or a city natural gas distribution operation to petition for a distribution system improvement charge (DSIC). See 66 Pa.C.S. § 1353.

The DSIC is a ratemaking mechanism that allows for the recovery of prudently incurred costs related to the repair, improvement and replacement of eligible utility infrastructure through a surcharge that is subject to reconciliation, audit and other consumer protections. A precondition to obtaining approval of a DSIC is the filing and approval of a long-term infrastructure improvement plan (LTIIP). 66 Pa.C.S. §§ 1352 and 1353(b)(3). The purpose of a LTIIP is to ensure that utilities are planning and executing capital expenditures that will maintain and improve the efficiency, safety, adequacy and reliability of existing distribution infrastructure at a faster pace than they have done historically.

On May 11, 2012, the Commission entered a Tentative Implementation Order at Docket No. M-2012-2293611 that proposed procedures and guidelines necessary to implement Act 11, including the elements of and standards for approval of a LTIIP, the ability to use previously approved plans, and the subsequent periodic review parameters of the LTIIP. The Tentative Implementation Order called for comments. Comments were received from various EDCs, NGDCs and water utilities. The Commission reviewed the comments and at its August 2, 2012 Public Meeting adopted a Final Implementation Order. Specifically, the Final Implementation Order, *inter alia*, set forth the elements a LTIIP must contain and outlined the procedures and process for the filing and review of LTIIPs. Accordingly, the proposed rulemaking incorporates many of the aspects already discussed in the Final Implementation Order.

Public Meeting held  
March 14, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Review of Long-Term Infrastructure Improvement Plan;*  
L-2012-2317274

### Proposed Rulemaking Order

*By the Commission:*

On February 14, 2012, Governor Corbett signed into law Act 11 of 2012 (Act 11), which amends Chapters 3, 13 and 33 of the Pennsylvania Public Utility (Code). 66 Pa.C.S. §§ 308, 1307, 1311, 1327 and 1350—1360. Act 11 authorizes water and wastewater utilities, electric distribution companies (EDCs), and natural gas distribution companies (NGDCs) or a city natural gas distribution operation to petition for a distribution system improvement charge (DSIC). See 66 Pa.C.S. § 1353.

The DSIC is a ratemaking mechanism that allows for the recovery of prudently incurred costs related to the repair, improvement and replacement of eligible utility infrastructure through a surcharge that is subject to reconciliation, audit and other consumer protections. A precondition to obtaining approval of a DSIC is the filing and approval of a long-term infrastructure improvement plan (LTIIP). 66 Pa.C.S. § 1352. This proposed rulemaking establishes the procedures and criteria for the filing and subsequent periodic review of LTIIPs.

#### *Background*

On April 5, 2012, the Commission held a working group meeting with stakeholders regarding implementation of Act 11. In particular, we sought input from the stakeholders on the following key topics in advance of issuing a Tentative Implementation Order:

- Elements of a model DSIC tariff, including the necessary computation, reconciliation and consumer protection provisions (audits, reconciliations, percent caps and re-set to zero);
- Elements of and standards for approval of a LTIIP, ability to use previously approved plans, and subsequent periodic review parameters;
- Establishing a baseline for the current rate of infrastructure improvement;
- Examination of the relationship between the LTIIP under Act 11 and the NGDC pipeline replacement and performance plans required by Commission order at Docket No. M-2011-2271982;
- Determination of the equity return rate when more than 2 years have elapsed between the effective date of a final order in a base rate case and the effective date of the DSIC; and
- Standards to establish and ensure that DSIC work is performed by “qualified employees” of either the utility or an independent contractor.

On May 11, 2012, the Commission entered a Tentative Implementation Order at Docket No. M-2012-2293611 that reflected stakeholders’ concerns; set out a model draft tariff; proposed procedures and guidelines necessary to implement Act 11, including a DSIC process for investor-owned energy utilities, city natural gas distribution operations, and wastewater utilities; and set forth procedures to facilitate the transition from Section 1307(g) water DSIC procedures to Act 11 DSIC procedures.

The Tentative Implementation Order called for comments. Comments were received from various EDCs, NGDCs and water utilities. The Commission reviewed the comments and at its August 2, 2012 Public Meeting adopted a Final Implementation Order, which established procedures and guidelines to carry out the ratemaking provisions of Act 11 in Chapters 3 and 13.

#### *Discussion*

The DSIC mechanism, enacted via Act 11, now allows EDCs, NGDCs, wastewater utilities, and city natural gas operations, like water utilities previously, to recover the reasonable and prudently incurred costs related to the repair, improvement, and replacement of utility infrastructure. The LTIIP is a necessary component of a DSIC petition. 66 Pa.C.S. § 1353(b)(3). The purpose of a LTIIP is to ensure that utilities are planning and executing capital expenditures that will maintain and improve the efficiency, safety, adequacy and reliability of existing distribution infrastructure at a faster pace than they have done historically. However, water utilities with a previously-approved DSIC are not required to file a LTIIP unless otherwise directed by the Commission. See 66 Pa.C.S. § 1360.

As mentioned above, the Final Implementation Order addressed various procedures and guidelines regarding the implementation of Act 11. Specifically, the Final Implementation Order set forth the elements a LTIIP must contain and outlined the procedures and process for the filing and review of LTIIPs. Accordingly, this proposed rulemaking will incorporate many of the aspects already discussed in the Final Implementation Order.

In the Final Implementation Order, the Commission determined that the following six elements must be included in a proposed LTIIP: (1) types and age of eligible property; (2) schedule for its planned repair and replace-

ment; (3) location of the eligible property; (4) reasonable estimate of the quantity of property to be improved; (5) projected annual expenditures and measures to ensure that the plan is cost effective; and (6) manner in which replacement of aging infrastructure will be accelerated and how repair, improvement or replacement will maintain and ensure adequate, efficient, safe, reliable and reasonable service to customers. Additionally, the Commission highlighted the importance of including workforce management plans in a LTIIIP and its view that the acquisition of qualified personnel is essential to the successful implementation of any long-term plan to improve infrastructure. Accordingly, we stated that a workforce management and training plan designed to ensure that a utility will have access to a qualified workforce to perform work in a cost-effective, safe and reliable manner is also a necessary element of a LTIIIP.

While the Commission recently decided against establishing a separate Pipeline Replacement and Performance Plan filing process at Docket M-2011-2271982,<sup>1</sup> because it would be duplicative of the Act 11 DSIC regulatory process, specifically, the filing of LTIIPs; we nevertheless determined that we would order additional actions from NGDCs if necessary in order to safeguard the public. Accordingly, we determine that each NGDC filing a LTIIIP should also include as an element of their respective LTIIIP, a description of its plan to address damage prevention, corrosion control, emergency response times and identification of critical valves. Given the age of the existing natural gas distribution infrastructure throughout the Commonwealth, we believe that it is necessary that the NGDCs submit this information and indicate how their LTIIPs prioritize gas system safety and reliability. This particular element will be incorporated into proposed section 121.3 and will apply only to NGDCs.

Additionally, we note the implementation of a DSIC mechanism may lead to numerous maintenance and construction projects by the utilities. This could lead to significant disruptions as utilities perform work in the right of ways of the roadways and streets across the Commonwealth in order to replace or repair their infrastructure. We believe it is prudent for utilities to coordinate their maintenance efforts so they can minimize multiple disruptions to location where projects may overlap. Therefore, we will direct that a utility, as a part of its LTIIIP, should provide a description of its outreach and coordination activities with other utilities, Pennsylvania Department of Transportation (PennDOT) and local governments regarding their planned maintenance/construction projects and roadways that may be impacted by the plan.

In the Final Implementation Order, we also stated that a LTIIIP should include a review of all eligible distribution plant property, as defined in 66 Pa.C.S. § 1351, including its inventory, age, functionalities, reliability and performance. By limiting the plan to only “eligible property,” we mean eligible property for which DSIC treatment is sought (DSIC-eligible plant). We determined that it was unnecessary for a utility to provide extensive data regarding components of its distribution system for which it is not seeking DSIC recovery. Accordingly, LTIIPs need only address the specific property eligible for DSIC recovery.

In the Final Implementation Order, we established the time frame that a LTIIIP must cover. We determined that a five-to-ten year term for a LTIIIP is appropriate as this time period is forward-looking enough for utilities to

make accurate predictions and also provides sufficient time for long-term planning of planned repairs and replacement of eligible property. However, we also suggested that any such plan should coincide with longer term plans that address specific goals, including cast iron replacement plans and bare steel replacement plans, and that such plans meet overall system replacement goals.

A proposed LTIIIP plan must include a schedule for the planned repair and replacement of eligible property. See 66 Pa.C.S. § 1352(a)(2). A proposed LTIIIP should also reflect and maintain an acceleration of infrastructure replacement over the utility’s historic level of capital improvement. As we noted in the Final Implementation Order, some utilities have taken substantial steps recently to increase prudent capital investment to address their aging infrastructure and we believe that the five-to-ten year timeframe established for a LTIIIP should reflect how the DSIC will maintain or augment acceleration of infrastructure replacement and prudent capital investment.

The utility has the burden of proof to demonstrate, in accordance with section 1352(a), that the proposed LTIIIP and associated expenditures are reasonable and cost effective and are designed to ensure and maintain adequate, efficient, safe, reliable and reasonable service to customers. This burden of proof is also consistent with section 1501 of the Code, 66 Pa.C.S. § 1501.

Furthermore, we believe that a utility must always have a LTIIIP on file so that the Commission has a means to determine whether a utility’s DSIC mechanism is serving its intended purpose. Accordingly, we determine that a utility shall file a new proposed LTIIIP at least 120 days prior to the expiration of its currently filed LTIIIP. This will allow the Commission and interested persons adequate time to review the new proposed LTIIIP before the existing LTIIIP term expires. Any new plan filed subsequent to the first Commission-approved LTIIIP must also include the elements set forth in 66 Pa.C.S. § 1352. The proposed regulations will adopt this schedule in section 121.5.

Lastly, we required utilities to serve copies of their proposed LTIIPs on the statutory advocates as well as all of the active parties in the utility’s most recent base rate proceeding.<sup>2</sup> We also determined that the proposed LTIIIP will be initially assigned to staff of the Bureau of Technical Utility Services (TUS) for analysis and a recommendation to the Commission. Interested parties will be given 20 days to file comments to the proposed LTIIIP. If, upon review, the comments raise material factual issues, the proposed LTIIIP will then be referred to the Office of Administrative Law Judge (OALJ) for hearing and the issuance of a recommended decision. Regardless, we generally established a period of 120 days for review of each proposed LTIIIP.

A Commission-approved LTIIIP is subject to a periodic subsequent review by the Commission. In the Final Implementation Order, we acknowledged that there may be a need for utility management to have the flexibility to deviate from a previously approved LTIIIP, if certain circumstances arise, such as when variations in construction expenditures occur within a given year. Accordingly, the proposed regulations will allow utility management

<sup>1</sup> Natural Gas Pipeline Replacement and Performance Plans, Docket No. M-2011-2271982 (Order entered February 28, 2013).

<sup>2</sup> While we believe that a LTIIIP is subject to public review, if a utility believes that any portion of the information contained in the LTIIIP qualifies as Confidential Security Information under 35 P.S. § 2141 or should be afforded proprietary and confidential treatment, the utility must request proprietary treatment of such information pursuant to a protective order. See 52 Pa. Code § 5.423 (Propriety Information) and 52 Pa. Code §§ 102.1–102.4 (Confidential Security Information). A LTIIIP will not automatically receive proprietary and confidential status.

the flexibility and discretion to make major and minor changes as needed, so long as the utility identifies reasonable operational, financial, or other justifications for deviating from its approved plan.

However, major modifications or deviations to the LTIIIP necessitate the filing of a Petition for Modification that will be subject to public notice and Commission approval. In the Commission's judgment, major changes, modifications or deviations from the LTIIIP are those that: (1) eliminate a category of eligible property from the plan; (2) extend the schedule for repair, improvement or replacement of a category of eligible property by more than 2 years; (3) increase the total estimated cost of the plan by more than 15%; or (4) otherwise reflect a substantial change to the current Commission-approved LTIIIP.<sup>3</sup> Conversely, minor modifications to a LTIIIP that are changes that do not qualify as major changes as defined in proposed section 121.2 can and will be addressed concurrent with Staff's review of the utility's Annual Asset Optimization Plan.

Additionally, in regard to any future dispute as to whether the utility has adhered to the Commission-approved LTIIIP, which is a condition for the ability to maintain its DSIC mechanism, 66 Pa.C.S. § 1353(b)(2), a utility will be afforded notice and an opportunity to be heard before its DSIC is terminated for non-compliance with an approved LTIIIP or other violations of Act 11. The proposed regulations set forth the procedures for the periodic review of an approved LTIIIP.

Furthermore, we note that section 1356 of Act 11, 66 Pa.C.S. § 1356, requires a utility with an approved DSIC to file an Annual Asset Optimization Plan (AAO plan). The AAO plan elements are as follows: (1) a description of all eligible property repaired, improved and replaced in the preceding 12 months and (2) a detailed description of all facilities to be improved in the upcoming 12 months. Since the AAO plan is to be filed annually, the Commission believes it is appropriate to set a uniform filing date of March 1 for all utilities with a DSIC to file their AAO plans with the Commission, rather than adopting the anniversary of the utility's implementation of its DSIC, which will vary from utility to utility.

As we stated in the Final Implementation Order, the AAO plan is intended to provide the Commission and the public with an overall status report regarding a utility's progress in making infrastructure improvements pursuant to its Commission-approved LTIIIP. We also believe that the AAO plans will be a beneficial tool for the Commission when it conducts its overall periodic review of a utility's approved LTIIIP. The Commission expects the AAO plan to demonstrate a utility's compliance and progress in meeting its LTIIIP and to identify the utility's near-term construction projects that will be funded by the DSIC, consistent with the LTIIIP. Additionally, if a utility determines that a major modification to its LTIIIP is necessary once it has finalized its AAO plan, it can submit a separate petition for modification at the time it submits its annual filing of its AAO plan to the Commission. Such modification(s) will be subject to notice and an opportunity to be heard by interested parties. The proposed regulations set forth the procedures for major

modifications to an approved LTIIIP. However, as noted above, minor modifications can and will be addressed by Staff during its review of the AAO plan.

#### *Summary of Proposed Regulations*

Based upon these considerations, the proposed regulations will include the following sections:

##### *§ 121.1. Purpose.*

This section of the proposed regulations sets forth the general purposes for filing a LTIIIP, which must be filed and approved before a utility can implement a DSIC. Additionally, this section highlights that a LTIIIP is intended to ensure that utilities are planning and executing capital expenditures that will maintain and improve safety, adequacy and reliability of existing distribution infrastructure.

##### *§ 121.2. Definitions.*

This section of the proposed regulations sets forth the definitions of the key terms that will be used throughout the proposed regulations.

##### *§ 121.3. Long Term Infrastructure Improvement Plan.*

This section of the proposed regulations sets forth the specific elements that must be contained in a utility's proposed LTIIIP.

##### *§ 121.4. Filing and Commission Review Procedures.*

This section of the proposed regulations sets forth the filing procedures for LTIIIPs, the public comment period, and the manner in which the Commission will review a utility's plan.

##### *§ 121.5. Modification to and expiration of a LTIIIP.*

This section of the proposed regulations sets forth the procedures for modifying a Commission-approved LTIIIP and filing a new LTIIIP prior to the expiration of a filed plan. Major modifications or changes to the LTIIIP will require the filing of a separate petition that is subject to comment from interested parties, while minor modifications will be considered along with the AAO and disposed of via Staff action.

##### *§ 121.6. Asset Optimization Plan Filings.*

This section of the proposed regulations sets forth the procedures for filing the Annual Asset Optimization Plan and the elements of the AAO plan. This section also states that the AAO plan will be reviewed to determine whether the utility has adhered to its LTIIIP and whether any changes to the initial LTIIIP are necessary in order to maintain and improve the safety, adequacy and reliability of its existing distribution infrastructure. Absent any major modifications or changes, adverse comments or Commission action within 60 days, the filing will be deemed approved.

##### *§ 121.7. Periodic Review of an LTIIIP.*

This section of the proposed regulations sets forth the procedures for the periodic review of the LTIIIP, as required by Act 11. The section states that a periodic review will be conducted every five years or more frequently if deemed necessary, and, upon such review, the utility may have to revise or update its LTIIIP.

##### *§ 121.8. Enforcement of LTIIIP Implementation.*

This section of the proposed regulations addresses the enforcement of Act 11 and the remedies the Commission may prescribe for a utility's noncompliance with its Commission-approved LTIIIP. The section also provides that variations in individual years and non-material

<sup>3</sup> Comments are invited regarding these proposed parameters for the definition of "major" modification to a Commission-approved LTIIIP.

changes from the Commission-approved LTIIP will not be a basis for an enforcement action. Any enforcement actions filed will be referred to the Office of Administrative Law Judge (OALJ) for hearing and decision.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 3, 2013, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. 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 Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

We invite interested parties to file comments on the proposed subsections of the regulation. Accordingly, under sections 501, 1350—1360 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501, 1350—1360, and 1501) and the Commonwealth Documents Law (Act of July 31, 1968, P. L. 769) (45 P. S. §§ 1201, et seq.) as amended, and the regulations promulgated thereunder, at 1 Pa. Code §§ 7.1—7.4, we add the regulations at 52 Pa. Code §§ 121.1—121.7 as noted above and as set forth in Annex A; *Therefore,*

#### *It Is Ordered That:*

1. The proposed rulemaking at the previously-captioned docket will consider the regulations set forth in Annex A.
2. The Secretary shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and Legislative Standing Committees.
4. The Secretary shall certify this Order and Annex A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original copy of any comments referencing the docket number of the proposed regulations, be submitted within 45 days of publication in the *Pennsylvania Bulletin*, to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.
6. The contact person for this rulemaking is Assistant Counsel David E. Screven, Law Bureau (717) 787-2126, dscreven@pa.gov. Alternate formats of this document are available for persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, (717) 772-4597.
7. A copy of this Order and Annex A shall be served upon the Energy Association of Pennsylvania, all jurisdictional electric distribution companies, natural gas utili-

ties, all water and wastewater utilities, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-294. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 52. PUBLIC UTILITIES**

#### **PART I. PUBLIC UTILITY COMMISSION**

##### **Subpart G. DISTRIBUTION SYSTEM IMPROVEMENT CHARGE**

#### **Chap. 121. LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN**

##### **CHAPTER 121. LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN**

Sec.	Purpose.
121.1.	Purpose.
121.2.	Definitions.
121.3.	LTIIP.
121.4.	Filing and Commission review procedures.
121.5.	Modifications to and expiration of an LTIIP.
121.6.	AAO plan filings.
121.7.	Periodic review of an LTIIP.
121.8.	Enforcement of LTIIP implementation.

#### **§ 121.1. Purpose.**

To be eligible to recover the reasonable and prudently incurred costs regarding the repair, improvement and replacement of eligible property from a DSIC, a utility shall submit an LTIIP to be approved by the Commission. See 66 Pa.C.S. § 1353 (relating to distribution system improvement charge). The LTIIP must show the acceleration of the replacement of aging infrastructure by the utility and be sufficient to ensure and maintain adequate, efficient, safe, reliable and reasonable service to customers.

#### **§ 121.2. Definitions.**

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

*AAO plan—Annual asset optimization plan*—The plan and supporting documents identified in 66 Pa.C.S. § 1356 (relating to asset optimization plans) that specify the eligible property repaired, improved or replaced by a utility under its Commission-approved LTIIP.

*DSIC—Distribution system improvement charge*—A charge imposed by a utility to recover the reasonable and prudent costs incurred to repair, improve or replace eligible property that is part of the utility's distribution system under 66 Pa.C.S. § 1353 (relating to distribution system improvement charge).

*Eligible property*—"Property" as defined in 66 Pa.C.S. § 1351 (relating to definitions).

*LTIIP—Long-term infrastructure improvement plan*—The plan and supporting documents identified in 66 Pa.C.S. § 1352(a) (relating to long-term infrastructure improvement plan) that shall be submitted to and approved by the Commission for a utility to be eligible to recover costs from a DSIC mechanism, which includes information regarding the utility's eligible property and its repair and replacement schedule.

*Major modification*—A change or deviation to a utility's previously approved LTIIP which:

(i) Eliminates a category of eligible property from the LTIIIP.

(ii) Extends the schedule for repair, improvement or replacement of a category of eligible property by more than 2 years.

(iii) Increases the total estimated cost of the LTIIIP by more than 15%.

(iv) Otherwise reflects a substantial change to the current Commission-approved LTIIIP.

*Utility*—A natural gas distribution company, electric distribution company, water utility, wastewater utility or city natural gas distribution operation subject to the jurisdiction of the Commission.

### § 121.3. LTIIIP.

(a) An LTIIIP shall be filed by a utility and include the following elements:

(1) Identification of types and age of eligible property owned and operated by the utility for which it is seeking DSIC recovery.

(2) An initial schedule for planned repair and replacement of eligible property.

(3) A general description of location of eligible property.

(4) A reasonable estimate of quantity of eligible property to be improved or repaired.

(5) Projected annual expenditures and means to finance the expenditures.

(6) A description of the manner in which infrastructure replacement will be accelerated and how repair, improvement or replacement will ensure and maintain adequate, efficient, safe, reliable and reasonable service to customers.

(7) A workforce management and training program designed to ensure that the utility will have access to a qualified workforce to perform work in a cost-effective, safe and reliable manner.

(8) A description of a utility's outreach and coordination activities with other utilities, Department of Transportation and local governments regarding their planned maintenance/construction projects and roadways that may be impacted by the LTIIIP.

(9) For a natural gas distribution company, a description of the LTIIIP to address damage prevention, corrosion control, emergency response times and identification of the natural gas distribution company's critical valves.

(b) The LTIIIP must address only the specific property eligible for DSIC recovery.

### § 121.4. Filing and Commission review procedures.

(a) An LTIIIP shall be filed with the Commission's Secretary's Bureau with copies served upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the parties in the utility's most recent base rate case. Service is evidenced by a certificate of service filed with the LTIIIP.

(b) An LTIIIP is a public document. If a utility believes that a portion of the information in the LTIIIP qualifies as confidential security information under section 2 of the Public Utility Confidential Security Information Disclosure Protection Act (35 P.S. § 2141.2) or should be afforded proprietary and confidential treatment, the utility shall request proprietary treatment of the information pursuant to a protective order. See §§ 5.423 and 102.1—

102.4 (relating to orders to limit availability of proprietary information; and confidential security information). Confidential security information in the LTIIIP shall be marked confidential by the utility and excluded from the public version of the filing.

(c) LTIIIP filings are subject to a 20-day comment period. The LTIIIP will be reviewed by Commission staff. The LTIIIP will be referred to the Office of Administrative Law Judge for hearings and a decision if comments raise material factual issues.

(d) A utility has the burden of proof to demonstrate that its proposed LTIIIP and associated expenditures are reasonable, cost effective and are designed to ensure and maintain efficient, safe, adequate, reliable and reasonable service to consumers.

(e) The Commission will review the LTIIIP and determine if the LTIIIP:

(1) Accelerates or maintains an accelerated rate of infrastructure replacement.

(2) Is sufficient to ensure and maintain adequate, efficient, safe, reliable and reasonable service.

(f) The Commission will order the utility to file a new or revised LTIIIP if the LTIIIP does not meet the criteria in this section.

### § 121.5. Modifications to and expiration of an LTIIIP.

(a) If a utility seeks to modify a Commission-approved LTIIIP during its term to incorporate a major modification to any of the elements in § 121.3(a) (relating to LTIIIP), the utility shall file a separate petition for modification. The utility shall clearly identify the change and explain the operational, financial or other justifications for the change in its petition. The petition will be subject to notice and an opportunity to be heard by interested parties. Parties shall have 20 days to file comments to the petition.

(b) Minor modifications to an LTIIIP that are changes that do not qualify as major changes as defined in § 121.2 (relating to definitions) will be addressed concurrent with Commission staff's review of the utility's AAO plan.

(c) A utility shall file a new LTIIIP with the Commission at least 120 days prior to the expiration of a currently-effective LTIIIP. The new LTIIIP must contain the elements in § 121.3(a).

### § 121.6. AAO plan filings.

(a) A utility with an approved DSIC shall file with the Commission, for informational purposes, an AAO plan. The AAO plan shall be filed on or before March 1st of each year following the implementation of the utility's DSIC mechanism. The utility shall file copies of the AAO plan with the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the interested parties that were a part of the proceeding in which the initial LTIIIP was approved.

(b) An AAO plan must include:

(1) A description of the eligible property repaired, improved and replaced in the prior 12-month period under its LTIIIP.

(2) A description of the eligible property to be improved in the upcoming 12-month period.

(3) System reliability data for the prior 5 years.

(c) If a utility determines that a major modification to its LTIP is necessary once it has finalized its AAO plan, it shall submit a separate petition for modification as set forth in § 121.5(a) (relating to modifications to and expiration of an LTIP) to the Commission.

(d) An AAO plan will be reviewed by the Commission to determine whether the utility has adhered to its approved LTIP. If the Commission determines that a major modification to the LTIP is necessary to maintain and improve the safety, adequacy and reliability of its existing distribution infrastructure, the Commission will direct the utility to file a petition for modification as outlined in § 121.5(a).

(e) Absent any major modifications, adverse comments or Commission action within 60 days, the AAO plan will be deemed approved. The Commission may extend its consideration period if necessary.

#### § 121.7. Periodic review of an LTIP.

(a) The Commission will review a utility's LTIP at least once every 5 years or more frequently if deemed necessary to address safety, reliability or other issues related to the approved LTIP.

(b) The Commission's review will determine:

(1) If the utility has adhered to its LTIP.

(2) If changes to the LTIP are necessary to maintain and improve the efficiency, safety, adequacy and reliability of its existing distribution infrastructure.

(c) Unless otherwise directed, the Commission's periodic review will begin at the midpoint of the term of the current LTIP. The Commission will, by means of a Secretarial Letter, establish a schedule for comments and reply comments to aid in its periodic review.

(d) If the Commission determines, based upon its review, that a utility's approved LTIP is no longer adequate to ensure and maintain efficient, adequate, safe, reliable and reasonable service, the Commission will direct the utility to revise, update or resubmit its LTIP as appropriate.

#### § 121.8. Enforcement of LTIP implementation.

(a) A utility with a Commission-approved LTIP is obligated to comply with the infrastructure replacement schedule and elements of that LTIP. Compliance with the LTIP will be evaluated on a multiyear basis over the life of the LTIP. Construction expenditure variations in individual years and minor changes or deviations from the Commission-approved LTIP may not be the basis for an enforcement complaint.

(b) A Commission-approved LTIP may be subject to enforcement complaints brought by statutory advocates and other interested persons. Enforcement complaints may be referred to the Office of Administrative Law Judge for hearings and a decision, as appropriate.

(c) The remedies for noncompliance with an approved LTIP may include civil penalties, revocation of the DSIC and other remedies as may be appropriate based on the record developed in the enforcement proceeding.

[Pa.B. Doc. No. 13-1958. Filed for public inspection October 18, 2013, 9:00 a.m.]

# STATE BOARD OF MEDICINE

[ 49 PA. CODE CHS. 16 AND 18 ]

## Genetic Counselors

The State Board of Medicine (Board) proposes to amend §§ 16.11 and 16.13 (relating to licenses, certificates and registrations; and licensure, certification, examination and registration fees) and to add Chapter 18, Subchapter K (relating to genetic counselors) to read as set forth in Annex A.

### *Effective Date*

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

### *Statutory Authority*

The act of December 22, 2011 (P. L. 576, No. 125) (Act 125) amended the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.1—422.51a) to require the Board to issue licenses to genetic counselors, to issue temporary permits to graduates of genetic counseling education programs and to regulate the practice of genetic counseling and discipline licensees. Specifically, section 3 of Act 125 directs the Board to promulgate regulations to license genetic counselors. Section 8 of the act (63 P. S. § 422.8) authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the act.

### *Description of Proposed Rulemaking*

The proposed rulemaking would amend § 16.11 to add genetic counselors to the list of individuals licensed by the Board. The proposed rulemaking would also amend § 16.13 to provide for fees for the application for genetic counselor license, application for uncertified genetic counselor, biennial renewal of genetic counselor license, application for reactivation of genetic counselor license and application for temporary provisional genetic counselor license.

The proposed rulemaking would add Chapter 18, Subchapter K setting forth the standards for licensure of genetic counselors. Section 18.701 (relating to purpose) states the purpose of the subchapter is to implement the amendments to the act regarding genetic counselors. Section 18.702 (relating to definitions) sets forth definitions of terms used in Subchapter K.

Section 18.703 (relating to application for genetic counselor license) provides the information necessary for an applicant who holds National certification to apply for a license to practice as a genetic counselor. The qualifications for licensure are in section 13.4(e) of the act (63 P. S. § 422.13d(c)) and are repeated in this section for clarity to applicants.

Section 18.704 (relating to application for genetic counselor license of uncertified persons) provides the information necessary for an applicant who does not hold National certification to apply for a license to practice as a genetic counselor. These qualifications for licensure are in section 13.4(f) of the act and are repeated in this section for clarity to applicants. Section 13.4(f) of the act provides that noncertified persons may only obtain licenses 3 years after the effective date of the section. This limitation is included in § 18.704(b)(1).

Section 18.705 (relating to application for temporary provisional genetic counselor license) provides the information necessary for an applicant to apply for a tempo-

rary provisional license as authorized by section 13.4(g) of the act. The statutory provision recognizes, and the regulatory provision echoes, the fact that in the field of genetic counseling, it is common for graduates to take the certification examination twice. For this reason, section 13.4(g)(2) of the act provides that the provisional license would allow a person to practice, under supervision, until two examination cycles have elapsed. This unusual provision is echoed in § 18.705(d) and (e).

Section 18.706 (relating to biennial registration of genetic counselor license) provides for the biennial registration of the genetic counselor license and effectuates section 13.4(j) of the act, regarding continuing education. Section 18.706(b)(5) requires a genetic counselor to verify that he has completed the continuing education mandated by Act 125 as a condition of biennial renewal.

Section 18.707 (relating to inactive status of genetic counselor license; reactivation of inactive license) provides information to licensees about how a license becomes inactive, that a licensee whose license is inactive is not permitted to practice and how to reactivate an inactive license. Section 18.707(d) provides that a licensee whose license has been inactive for 4 years or more will be required to demonstrate continued competence to practice by showing current certification by the American Board of Genetic Counseling. Late fees are addressed in § 18.707(e).

Section 18.708 (relating to disciplinary action for applicants and licensed genetic counselors) provides that licensees and applicants may be subject to discipline or refusal of licensure for any of the reasons in sections 22 and 41 of the act (63 P. S. §§ 422.22 and 422.41) or for engaging in unprofessional or immoral conduct as defined in § 18.708(b) or (c).

Section 18.709 (relating to continuing education for licensed genetic counselors) sets forth rules regarding continuing education. Section 13.4(j) of the act requires genetic counselors to complete 30 hours of continuing education as a condition of biennial renewal. This section provides additional details about the continuing education requirements, including approved providers of continuing education (the American Board of Genetic Counseling and the National Society of Genetic Counselors) and the documentation that licensees shall maintain as proof of completion of continuing education.

Section 18.710 (relating to professional liability insurance coverage for licensed genetic counselors) effectuates section 13.4(k) of the act, which requires liability insurance.

*Fiscal Impact and Paperwork Requirements*

The statutory requirements that genetic counselors obtain and renew licenses to practice genetic counseling, obtain and maintain professional liability insurance and complete at least 30 hours of continuing education biennially will have a fiscal impact and impose paperwork requirements on the regulated community of genetic counselors. Genetic counselors will be required to file applications, pay fees and provide documentation evidencing professional liability insurance and continuing education. To the degree genetic counselors are employed by small businesses, and those businesses pay the licensure fees and costs associated with professional liability insurance and continuing education, the proposed rulemaking may impact small businesses. The proposed rulemaking should not have an adverse fiscal impact or impose additional paperwork requirements on the Commonwealth or its political subdivisions.

*Sunset Date*

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 7, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Teresa Lazo, Board Counsel, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-MEDICINE@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JAMES W. FREEMAN, M.D.,  
*Chairperson*

**Fiscal Note:** 16A-4937. The costs associated with implementing Subchapter K in Chapter 18 will be offset by fees paid by licensees; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS**

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS**

**§ 16.11. Licenses, certificates and registrations.**

\* \* \* \* \*

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

\* \* \* \* \*

(8) Perfusionist license.

**(9) Genetic counselor license.**

(c) The following registrations are issued by the Board:

\* \* \* \* \*

(12) Biennial registration of a perfusionist license.

**(13) Biennial registration of a genetic counselor license.**



**§ 16.13. Licensure, certification, examination and registration fees.**

\* \* \* \* \*

(l) *Perfusionist License:*

Application for perfusionist license . . . . .	\$50
Biennial registration of perfusionist license . . . . .	\$50
Application for reactivation of perfusionist license . . . . .	\$50
Application for temporary graduate perfusionist license . . . . .	\$50
Application for temporary provisional perfusionist license . . . . .	\$40

(m) *Genetic Counselor License:*

Application for genetic counselor license . . . . .	\$50
Application for uncertified genetic counselor license . . . . .	\$100
Biennial renewal of genetic counselor license . . . . .	\$125
Application for reactivation of genetic counselor license . . . . .	\$50
Application for temporary provisional genetic counselor license . . . . .	\$50

**CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS**

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

**Subchapter K. GENETIC COUNSELORS**

Sec.	
18.701.	Purpose.
18.702.	Definitions.
18.703.	Application for genetic counselor license.
18.704.	Application for genetic counselor license by uncertified persons.
18.705.	Application for temporary provisional genetic counselor license.
18.706.	Biennial registration of genetic counselor license.
18.707.	Inactive status of genetic counselor license; reactivation of inactive license.
18.708.	Disciplinary action for applicants and licensed genetic counselors.
18.709.	Continuing education for licensed genetic counselors.
18.710.	Professional liability insurance coverage for licensed genetic counselors.

**§ 18.701. Purpose.**

This subchapter implements section 13.4 of the act (63 P. S. § 422.13d), regarding genetic counselors.

**§ 18.702. Definitions.**

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

*ABGC*—The American Board of Genetic Counseling or an equivalent successor.

*ABMG*—The American Board of Medical Genetics or an equivalent successor.

*Active candidate status*—The designation awarded to an individual who has received approval from the ABGC or the ABMG to sit for his respective certification examinations.

*Genetic counseling*—The provision of services to individuals, couples, families and organizations by one or more appropriately trained individuals to address the

physical and psychological issues associated with the occurrence or risk of occurrence of a genetic disorder, birth defect or genetically influenced condition or disease in an individual or a family.

*Genetic counselor*—An individual who is licensed to practice genetic counseling by the Board or the State Board of Osteopathic Medicine.

*Hour of continuing education*—At least 50 minutes of instruction, including relevant question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.

*NSGC*—The National Society of Genetic Counselors or an equivalent successor.

**§ 18.703. Application for genetic counselor license.**

(a) An applicant for a license to practice as a genetic counselor shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an applicant who demonstrates that the applicant:

(1) Is at least 21 years of age and of good moral character, as required under section 13.4(e)(1) and (2) of the act (63 P. S. § 422.13d(e)(1) and (2)).

(2) Has received a master’s degree or doctoral degree in human genetics or genetic counseling from an ABGC-accredited or ABMG-accredited educational program or has met the requirements for certification by the ABGC or the ABMG. Proof of the degree, if applicable, shall be sent directly from the applicant’s education program and include an official transcript.

(3) Has passed the examination for certification as a genetic counselor by the ABGC or the ABMG or has passed the examination for certification as a Ph.D. medical geneticist by the ABMG. Proof that the applicant has passed the examination shall be sent directly from the ABGC or the ABMG and may include proof of current certification.

(4) Has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for licensed genetic counselors).

(c) The Board may deny an application for licensure as a genetic counselor upon the grounds for disciplinary action in § 18.708 (relating to disciplinary action for applicants and licensed genetic counselors).

**§ 18.704. Application for genetic counselor license by uncertified persons.**

(a) An applicant for a license to practice as a genetic counselor who has never passed the ABGC or the ABMG certification examination shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an uncertified applicant who:

(1) Submits his application to the Board, along with the required supporting documentation, by February 20, 2015.

(2) Demonstrates that the applicant is at least 21 years of age and of good moral character as required under section 13.4(e)(1) and (2) of the act (63 P. S. § 422.13d(e)(1) and (2)).

(3) Demonstrates that he has received a master's degree or higher in genetics or a related field of study and has worked as a genetic counselor for a minimum of 3 continuous years preceding December 22, 2011, or has received a bachelor's degree in genetics or a related field of study and has been employed as a genetic counselor for at least 10 continuous years prior to December 22, 2011.

(i) Proof of the degree shall be sent directly from the applicant's educational program and include an official transcript.

(ii) Related fields of study must include core courses in genetics.

(iii) Proof of employment as a genetic counselor may include Federal income tax forms or notarized letters from the applicant's employers.

(4) Submits at least three letters of recommendation, including one from a genetic counselor certified by the ABGC or the ABMG and one from either a clinical geneticist or medical geneticist certified by the ABMG. A person who submits a letter of recommendation shall have worked with the applicant in an employment setting sometime during the previous 10 continuous years and be able to attest to the applicant's competency in providing genetic counseling services.

(5) Demonstrates that the applicant has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for licensed genetic counselors).

**§ 18.705. Application for temporary provisional genetic counselor license.**

(a) An applicant for a temporary provisional genetic counselor license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 16.13(m) (relating to licensure, certification, examination and registration fees) for an application for a temporary provisional genetic counselor license.

(b) The Board may grant a temporary provisional genetic counselor license, which authorizes the license holder to practice only under the supervision of a genetic counselor or physician licensed under the act or under the Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18), to an applicant, who:

(1) Demonstrates that the applicant has been granted active candidate status establishing eligibility to sit for the next available certification examination offered by the ABGC.

(2) Demonstrates that the applicant is at least 21 years old, of good moral character and has completed an application form provided by the Board and paid the appropriate fee as required under section 13.4(e)(1)—(3) and (5) of the act (63 P. S. § 422.13d(e)(1)—(3) and (5)).

(3) Otherwise complies with this subchapter.

(c) The Board may deny an application for a temporary provisional genetic counselor license upon the grounds in § 18.708 (relating to disciplinary action for applicants and licensed general counselors).

(d) A temporary provisional genetic counselor license will expire upon the close of the second examination period for which the holder is eligible to test following the date of issuance of the temporary provisional license and may not be renewed.

(e) A temporary provisional genetic counselor license will expire upon notice to the Board that the holder has not passed the certification examination within two examination cycles after receiving the temporary provisional license. The holder of a temporary provisional genetic counselor license who fails to pass the examination within two examination cycles shall immediately cease practicing and return the license to the Board.

(f) The holder of a temporary provisional genetic counselor license may not use the title "genetic counselor." The holder of a temporary provisional genetic counselor license may use the title "graduate genetic counselor" but may not use an abbreviation of the title.

**§ 18.706. Biennial registration of genetic counselor license.**

(a) The license of a genetic counselor will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A genetic counselor may not practice after December 31 of an even-numbered year unless the genetic counselor has completed the biennial renewal process and the Board has issued a renewed license.

(b) As a condition of biennial renewal, a genetic counselor shall:

(1) Submit a completed application, including payment of the biennial registration fee in § 16.13(m) (relating to licensure, certification, examination and registration fees) for application for biennial registration of genetic counselor license.

(2) Disclose on the application any license to practice as a genetic counselor in another state, district, territory, possession or country.

(3) Disclose on the application disciplinary action pending before or taken by the appropriate health care licensing authority in any other jurisdiction since the most recent application for biennial registration, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere, probation without verdict, disposition instead of trial or accelerated rehabilitative disposition in any criminal matter since the most recent application for biennial registration.

(5) Verify on the application that the licensed genetic counselor has complied with the continuing education requirements mandated by section 13.4(j) of the act (63 P. S. § 422.13d(j)) during the biennial period immediately preceding the period for which registration is sought in accordance with § 18.709 (relating to continuing education for licensed genetic counselors).

(6) Verify on the application that, if practicing as a genetic counselor in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 13.4(k) of the act.

**§ 18.707. Inactive status of genetic counselor license; reactivation of inactive license.**

(a) A genetic counselor license will become inactive upon either of the following:

(1) The licensee requests in writing that the Board place the license on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to register the license by the expiration of the biennial registration period, that is, by December 31 of each even-numbered year.

(b) A genetic counselor whose license has become inactive may not practice as a genetic counselor in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms made available by the Board. The licensee shall:

(1) Include the documentation required under § 18.709 (relating to continuing education for licensed genetic counselors) for the immediately preceding biennium. Unless waived by the Board under section 13.4(i)(3) of the act (63 P. S. § 422.13d(i)(3)), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current biennial registration fee and the reactivation application fee specified in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(3) Except as provided in subsection (d), verify that the licensee did not practice as a genetic counselor in this Commonwealth while the license was inactive.

(d) A licensee whose license has been inactive for 4 years or more shall demonstrate continued competence by showing current certification by the ABGC.

(e) A licensee who has practiced with an inactive license, and who cannot make the verification required under subsection (c)(3), shall also pay the late fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225) as more fully set forth in this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a genetic counselor without a currently registered license.

(1) A licensee whose license was active at the end of the immediately preceding biennial registration period and who practiced after the license became inactive shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive since before the beginning of the current biennium shall pay the biennial registration fee for each biennial registration period during which the licensee practiced and shall pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a genetic counselor in this Commonwealth after the license became inactive until the date the reactivation application is filed.

**§ 18.708. Disciplinary action for applicants and licensed genetic counselors.**

(a) A licensed genetic counselor, graduate genetic counselor or applicant for a license is subject to refusal of license or disciplinary action under sections 22 and 41 of the act (63 P. S. §§ 422.22 and 422.41). Following a final determination subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accord-

ance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), the Board may refuse licensure or impose any of the corrective actions of section 42 of the act (63 P. S. § 422.42).

(b) Unprofessional conduct includes:

(1) Engaging in conduct prohibited under § 16.110 (relating to sexual misconduct).

(2) Performing an act in a health care profession in a fraudulent, incompetent or negligent manner.

(3) Violating a provision of the act or this subchapter setting a standard of professional conduct.

(4) Engaging in health care practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician or other health care practitioner whose profession the genetic counselor is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required by statute or regulation.

(8) Failing to provide appropriate supervision to a genetic counselor student or a graduate genetic counselor practicing under a temporary provisional license. For purposes of this paragraph, appropriate supervision of a genetic counselor student means that the student is under the overall direction of the chair or director of the educational program. For purposes of this paragraph, appropriate supervision of a graduate genetic counselor means that the graduate genetic counselor is under the overall direction of the area supervisor and the supervisor conducts periodic review of the work of the graduate genetic counselor.

(9) Practicing outside the scope of practice for a genetic counselor as set forth in section 13.4(c) of the act (63 P. S. § 422.13d(c)).

(c) Immoral conduct includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of the Commonwealth, the United States, another state, the District of Columbia, a territory of the United States or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.

**§ 18.709. Continuing education for licensed genetic counselors.**

(a) *Credit hour requirements.* A licensed genetic counselor shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial registration, a licensed genetic counselor shall complete at least 30 hours of continuing education applicable to the practice of genetic counseling. A licensed genetic counselor is not required to complete continuing education during the biennium in which the licensed genetic counselor was first licensed if licensure occurred within 3 years of completion of the degree.

(2) Except when reactivating an inactive license, when the Board has granted a waiver, or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. No hour of continuing education may be used to satisfy the requirement of paragraph (1) for more than one biennium.

(3) A licensed genetic counselor may request a waiver of the continuing education credit hour requirements because of serious illness, military service or other demonstrated hardship by submitting a request for waiver with the supporting documentation to the Board at least 90 days prior to the end of the biennial registration period for which the waiver is sought. The Board may grant the waiver request in whole or in part and may extend the deadline by which the credit hour requirements shall be met.

(4) A licensed genetic counselor may be subject to disciplinary sanction as provided in section 41 of the act (63 P. S. § 422.41), including the suspension or revocation of the license, imposition of a civil penalty or other corrective measure as determined by the Board if the licensee either submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial registration, or fails to complete the continuing education hour requirements and practices as a genetic counselor after the end of the biennial period.

(b) *Continuing education activities.* Credit for continuing education may be earned for activities approved by the ABGC or the NSGC.

(c) *Documentation of continuing education.* Continuing education shall be documented with a certificate of attendance or completion issued by the activity provider. The certificate must include the name of the course provider, the name and date of the course, the name of the

licensee, the number of credit hours based on a 50-minute hour and the category of continuing education, if applicable.

**§ 18.710. Professional liability insurance coverage for licensed genetic counselors.**

(a) A licensed genetic counselor shall maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made as required under section 13.4(k) of the act (63 P. S. § 422.13d(k)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 13.4(k)(2) of the act will become inactive as a matter of law 30 days after the date of issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 13.4(k) of the act may not practice as a genetic counselor in this Commonwealth.

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### General Quarantine Order; Chronic Wasting Disease Program Requirements for Herd Certification Program and Herd Monitoring Program

#### *Recitals*

A. Chronic Wasting Disease (CWD) is considered an infectious, progressive and always fatal disease of susceptible species of the genera *Cervus*, *Odocoileus* and *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer and hybrids thereof.

B. There is no known treatment for CWD infection, no successful vaccine against this disease and no reliable live animal test for this disease.

C. CWD is believed to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials occurring through shared environment or close contact.

D. CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (Law) (3 Pa.C.S. §§ 2301—2389), at 3 Pa.C.S. § 2321(d).

E. The Department of Agriculture (Department) has broad authority under the Law to regulate the keeping, transport and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

F. The Department also has broad authority under the Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

G. CWD may negatively impact this Commonwealth’s wild and domestic (farmed or captive) cervid populations. CWD is of particular concern to the captive/farmed cervid industry, in that presence of CWD infection in a herd has resulted in the destruction of an entire herd and severely limited the market for product within and outside this Commonwealth.

H. In 2012, CWD infection was confirmed in two domestic white-tailed deer on a farm in the Commonwealth. CWD was diagnosed in free ranging deer in the Commonwealth from testing done in association with the Pennsylvania Game Commission’s 2012 hunter harvest program. It has also been detected in cervids in Maryland, New York, Virginia, and West Virginia, and is known to be present in a number of other states and several Canadian provinces.

I. On August 4, 2006, the Department issued a General Quarantine Order addressing the CWD threat. That General Quarantine Order, published at 36 Pa.B. 4612 (August 19, 2006), required persons who own or maintain one or more CWD-susceptible animals to enroll and participate in either the CWD Herd Certification Program or the CWD Herd Monitoring Program.

J. On February 4, 2011, the Department rescinded and supplanted the referenced August 4, 2006 General Quarantine Order to reflect the experience the Department

had gained in administering the referenced General Quarantine Order, as well as its current understanding of the threat posed by CWD. That General Quarantine Order, published at 41 Pa.B. 727 modified requirements to the mandatory CWD Herd Certification and the CWD Herd Monitoring Programs to improve disease control procedures in the Commonwealth.

K. By this General Quarantine Order, the Department is rescinding and supplanting the referenced February 4, 2011, General Quarantine Order to harmonize Commonwealth program standards with Federal regulations in 9 CFR Parts 55 and 81 which establish minimum national standards addressing State CWD herd certification programs for interstate cervid commerce and to impose improved disease control and monitoring procedures intended to better contain the spread of CWD in the captive deer population.

#### *Order of General Quarantine*

With the foregoing recitals incorporated into this General Quarantine Order by reference, the Department hereby establishes a General Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(d). The terms of this General Quarantine Order are as follows:

1. *Quarantine Area.* This General Quarantine Order is applicable to the entire Commonwealth of Pennsylvania.

2. *February 4, 2011 General Quarantine Order; Chronic Wasting Disease Program.* The February 4, 2011 General Quarantine Order; Chronic Wasting Disease Program, published at 41 Pa.B. 727 (February 4, 2011), is hereby rescinded and supplanted by this General Quarantine Order. All persons or businesses that own or maintain one or more of any of the CWD-susceptible species of the genera *Cervus*, *Odocoileus* or *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer or hybrid thereof, in captivity within this Commonwealth shall continue to be required to be enrolled in and follow the requirements of either the CWD Herd Certification Program or the CWD Herd Monitoring Program. Persons, premises and animals that were enrolled in either the CWD Herd Certification Program or the CWD Herd Monitoring Program under authority of the February 4, 2011 General Quarantine Order shall remain enrolled under the authority of this General Quarantine Order. All enrolled herds shall be subject to the terms and requirements of this General Quarantine Order.

3. *Election of Program and Compliance.*

a. Persons required to comply with this General Quarantine Order shall be afforded a time period to elect a program. Those persons currently enrolled under the CWD Herd Certification Program may elect to continue in that program or may downgrade the captive herd and enroll in the Herd Monitoring Program. Persons may also elect to upgrade from the Herd Monitoring Program to the Herd Certification Program. Persons currently enrolled under either of these Programs shall have until the next scheduled herd inspection date or 120 days after the date of this General Quarantine Order (whichever is longer) to both elect a level of participation and within which to come into compliance with any new or different requirements imposed by this General Quarantine Order.

b. All persons subject to this General Quarantine Order shall file a Program Enrollment Form with the Department within the time period established in Subsec-

tion 3.a. (related to election of program and compliance). Failure to enroll in the program, file a program enrollment form, file a complete program enrollment form or comply with the enrollment requirements established herein, shall be a violation of this General Quarantine Order and subject the person to such penalties as are authorized under the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.)

#### 4. Program Enrollment Requirement.

a. Any person or business that owns or maintains one or more of any of the CWD-susceptible species of the genera *Cervus*, *Odocoileus* or *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer or hybrids thereof, in captivity within this Commonwealth shall enroll in one of two programs—CWD Herd Certification Program and CWD Herd Monitoring Program—established under this General Quarantine Order. Enrollment in the CWD Herd Certification Program is not mandatory. A person may choose to voluntarily enroll in the CWD Herd Certification Program and adhere to the more stringent requirements established under that program. A person who does not choose to enroll in the CWD Herd Certification Program, shall be required to enroll in the CWD Herd Monitoring Program.

b. A person required to adhere to the provisions of this General Quarantine Order shall provide the Department with a completed program enrollment form, as described in Sections 5 through 8 (related to meeting the program enrollment requirement; adherence to Herd Certification or Herd Monitoring protocols, obtaining a program enrollment form, contents of the program enrollment forms, delivering the program enrollment form) of this General Quarantine Order. The program enrollment form utilized shall be the form developed and approved by the Department. The program enrollment form will be available on the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)) and will be made available in paper form for those not having internet access. The requirements of this General Quarantine Order are applicable to any type of location or operation at which CWD-susceptible cervids are maintained, including private residences, farms, hunting ranches, zoological displays and menageries. Each separate location, operation and herd will be assigned a state premises identification number which identifies that individual herd's status. The state premises identification number begins with 'PA' and followed by six alphanumeric characters.

c. When multiple program herds reside on the same premises, or where herds owned by the same person reside on more than one premises, a separate Program Enrollment Form shall be required for each program herd on each premises, which shall mean each separate level of Certified Status and each Monitoring herd held in captivity. For example, where one herd of CWD-susceptible species will be enrolled in the CWD Herd Certification Program and another is enrolled in the CWD Herd Monitoring Program, a separate Program Enrollment Form shall be required for each of those herds denoting a different program. Separation between perimeter fences shall be no less than 30 feet for animals on different programs for the same participant or between different participants.

d. Prior to transferring or bringing a CWD-susceptible species onto a premises not currently or not previously enrolled in the CWD program, a person shall submit to an inspection of the premises prior to approval of such premises to hold and maintain a CWD-susceptible species. Such inspection shall be carried out by a PDA official

in order to assure the person has proper enclosures and fencing to maintain the CWD-susceptible species so as to prevent ingress and egress of cervids. Failure to submit to such an inspection or the failure to have erected proper enclosures and fencing in a manner that will prevent ingress and egress of cervids may result in any or all of the following actions:

- i. The denial of the addition of a CWD-susceptible species to the premises;
- ii. Criminal or civil penalties as allowed under the Law;
- iii. Equitable relief as allowed under the Law;
- iv. Such other action as allowed under the Law.

5. *Meeting the Program Enrollment Requirement; Required Adherence to Herd Certification or Herd Monitoring Protocols.* Farmed or captive CWD-susceptible cervids as described in Section 4 (related to program enrollment requirement) present on each premises described in Section 4 (related to program enrollment requirement) shall be enrolled by the cervid owner in either the CWD Herd Certification Program or the CWD Herd Monitoring Program (which are described as follows). A cervid owner who is required to enroll one or more CWD-susceptible cervids under this General Quarantine Order, and who enrolls the animals in either the CWD Herd Certification Program or the CWD Herd Monitoring Program, shall be referred to as a "program participant" throughout this General Quarantine Order. The program participant shall be responsible to maintain the subject animal or herd in compliance with all of the requirements of the program in which it is enrolled. The Department will promptly mail or deliver program enrollment forms to any person who requests the forms. Enrollment shall be completed by delivering a completed program enrollment form to the Department by any of the means described in Section 8 (related to delivering the program enrollment form).

6. *Obtaining a Program Enrollment Form.* The program enrollment forms described in Section 7 (related to contents of the program enrollment forms) (for either the CWD Herd Certification Program or the CWD Herd Monitoring Program) may be obtained by:

- a. Telephoning the Department at (717) 783-5309 and requesting that a form be provided by mail or fax.
- b. Mailing or presenting a request to the Department at the following address:

Pennsylvania Department of Agriculture  
ATTN: CWD Coordinator  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

- c. Downloading the forms from the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

#### 7. Contents of the Program Enrollment Forms

a. *CWD Herd Certification Program.* The program enrollment form for the CWD Herd Certification Program shall require the following information:

- i. Mailing address and contact information to include the name, address, telephone number and where applicable, the e-mail address of each person who owns or maintains an ownership interest in the operation or business and in each subject farmed or captive cervid. Where the operation or business is other than a sole proprietorship, the name, title and ownership interest of each person who is part of the business structure or

involved in the operation or business shall be set forth, along with the names of any hired managers or authorized agents.

ii. Physical address of premises, which shall be the physical address of the premises on which the captive cervids are located and shall be a street address (P.O. Boxes will not be accepted) at which each subject cervid is maintained in captivity or driving directions to the premises if there is no street address where each subject cervid is maintained.

iii. Structure of the organization or operation, such as, corporation, limited liability corporation, S corporation, partnership, limited partnership, individual/sole proprietor, or other business structure, along with the name of the cervid operation, including any fictitious name (if applicable).

iv. The Cervidae Livestock Operation license number (where applicable).

v. The premises identification number (where one has been assigned).

vi. Number of cervids maintained on the premises, by species.

vii. All official and unofficial identification (as described in Section 9.j.) (related to identification of subject animals), farm identification, sex and date of birth of each subject cervid.

viii. The date of acquisition and source, including contact information (name and complete address, as well as telephone number and where available email address), of each subject cervid that was not born into the herd.

ix. A listing of and the date of birth of any cervid that was born on the premises, as well as, any official or unofficial identification (as described in Section 9.j.) (related to identification of subject animals) that was attached to that cervid.

x. The location at which the records required under the Herd Certification Program shall be maintained and made available for inspection by the Department.

b. *CWD Herd Monitoring Program.* The program enrollment form for the CWD Herd Monitoring Program shall require the following information

i. Mailing address and contact information to include the name, address, telephone number and where applicable, the e-mail address of each person who owns or maintains an ownership interest in the operation or business and in each subject farmed or captive cervid. Where the operation or business is other than a sole proprietorship, the name, title and ownership interest of each person who is part of the business structure or involved in the operation or business shall be set forth, along with the names of any hired managers.

ii. Physical address of premises, which shall be the physical address of the premises on which the captive cervids are located and shall be a street address (P.O. Boxes will not be accepted) at which each subject cervid is maintained in captivity or driving directions to the premises if there is no street address where each subject cervid is maintained.

iii. Structure of the organization or operation, such as, corporation, limited liability corporation, S corporation, partnership, limited partnership, individual/sole proprietor, or other business structure, along with the name of the cervid operation, including any fictitious name (if applicable).

iv. The Cervidae Livestock Operation license number (where applicable).

v. The premises identification number (where one has been assigned).

vi. The number of each species of farmed or captive CWD-susceptible cervid on the premises. An estimate may be provided if the exact number cannot be determined.

vii. The date of acquisition and source, including contact information (name and complete address, as well as telephone number and where available email address), of each subject cervid that was not born into the herd.

viii. The location at which the records required under the Herd Monitoring Program shall be maintained and made available for inspection by the Department.

8. *Delivering the Program Enrollment Form.* A person required to file a program enrollment form under this General Quarantine Order shall deliver the completed signed form to the Department by faxing it to (717) 787-1868, or mailing or delivering it to the address set forth in Section 6.b. (related to obtaining a program enrollment form). Any changes to the information required by Section 7.a.i., ii., iii., iv., v. and x. or Section 7.b.i., ii., iii., iv., v. and viii. (related to contents of the program enrollment forms) shall be reported to the Department, in writing, within 30 days of such change occurring.

#### 9. *CWD Herd Certification Program.*

a. *Program established.* The Chronic Wasting Disease Herd Certification Program (Herd Certification Program), as established by the August 4, 2006, General Quarantine Order; Chronic Wasting Disease Program, published at 36 Pa.B. 4612 (August 19, 2006) and amended by the February 4, 2011, General Quarantine Order; Chronic Wasting Disease Program, published at 41 Pa.B. 727 (February 5, 2011) is hereby continued and modified by this General Quarantine Order in the manner established herein.

b. *Voluntary Program.* Enrollment in the CWD Herd Certification Program is purely voluntary for those with CWD susceptible species. The CWD Herd Certification Program establishes criteria which are more stringent than those required by the mandatory CWD Herd Monitoring Program. A participant voluntarily enrolling in the CWD Herd Certification Program shall be required to meet all of the criteria established thereunder or the Department, at its sole discretion, may:

i. Reduce or roll-back the program participant's "Herd Status" to a previous year or to "First Year Status"; or

ii. Remove the program participant from the CWD Herd Certification Program and place the program participant in the CWD Herd Monitoring Program.

c. *Status of Herd.* The Herd Certification Program is a 5-year process by which a herd of farmed or captive CWD-susceptible cervids may achieve "Fully Certified Status." The Department shall record the date of enrollment of a particular herd of farmed or captive CWD-susceptible cervids in the Herd Certification Program. The status of that enrolled herd shall be determined in the following manner:

i. First Year "HC-1" Status. A designation of "HC-1" shall be assigned to a herd of cervids enrolled in the Herd Certification Program for the first twelve (12) months from the date of enrollment of that herd of cervids in the Herd Certification Program. Only those cervids listed on

the program participant's enrollment form and which have been verified through inspection, as set forth in Subsection 9.n. (related to inspection) of this General Quarantine Order to bear the approved forms of identification shall be assigned a "HC-1" status. Failure to maintain compliance with all of the provisions of the Herd Certification Program may result in removal of the herd from the voluntary Herd Certification Program and placement into the mandatory Herd Monitoring Program, the imposition of civil or criminal penalties as allowed under Section 2383 of the Domestic Animal Law (3 Pa.C.S.A. § 2383) or any other equitable action established thereunder or any combination thereof.

ii. Subsequent Year Status. On the anniversary date of enrollment in each year following that date of initial enrollment the status of the program participant's herd may be upgraded by one year. The upgrade shall only occur if the program participant has maintained compliance and is currently in compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order. The status of each subsequent twelve month period from the date of enrollment, until reaching "Fully Certified" status, shall be designated as follows:

A. For months 13-24 the designation of "HC-2" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

B. For months 25-36 the designation of "HC-3" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

C. For months 37-48 the designation of "HC-4" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

D. For the months 49-60 the designation of "HC-5" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

E. Upon reaching 60 months from the date of enrollment, the designation of "Fully Certified" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

iii. Fully Certified Status. On the anniversary date of the fifth year after the initial enrollment date (that is, after 5 consecutive years of program participation and compliance have been completed), the status of the program participant's herd may be upgraded to "Fully Certified." The upgrade shall only occur if the program participant is in compliance with and has remained in compliance with all of the requirements of the CWD Herd Certification Program and the General Quarantine Order. The subject herd shall be classified as "Fully Certified" so long as the herd remains CWD-free and continues to maintain compliance with all provisions of the Herd Certification Program and this General Quarantine Order.

iv. Previously Enrolled Herds. The status of herds enrolled in the CWD Herd Certification Program under the February 4, 2011 Order of General Quarantine which are in compliance with that Order as of the effective date of this General Quarantine Order will maintain their existing certification status under this Order of General Quarantine if they elect to enroll in and agree to comply with the provisions of the CWD Herd Certification Pro-

gram established under this Order of General Quarantine. If the program participant elects to withdraw his herd from the CWD Herd Certification Program, he shall enroll the herd in the CWD Herd Monitoring Program. Thereafter, any subsequent enrollment of the herd in the CWD Herd Certification Program shall result in the herd being assigned "First Year Status" and the 5-year process required to attain "Fully Certified" status shall begin again.

v. New herd assembled from current Herd Certification Program participants. If the herd is composed solely of animals obtained from herds already enrolled in the Program, the newly assembled herd will have the same status as the lowest status of any herd that provided animals for the new herd.

d. *Duty to Report Suspects and Dead Cervids and Dead Cervids found in an advanced state of decomposition.* The program participant, the owner of a herd of farmed or captive CWD-susceptible cervids and any caretaker of that herd shall immediately report any suspect cervid, dead cervid or dead cervid found in an advanced state of decomposition as set forth herein. Failure to comply with any of the provisions of this subsection including, failure to report a suspect cervid, the death of a cervid within the time periods set forth herein or the discarding, removal or disposal of carcasses, parts, offal or tissues in a manner which is inconsistent with the provisions of this subsection or without the required verifications shall constitute a violation of this General Quarantine Order.

i. Suspect Cervid—Any cervid that shows signs that are consistent with CWD (such as staggering, drooling, wasting or unusual behavior) shall be immediately reported to the designated regional office of the Bureau of Animal Health in the Pennsylvania Department of Agriculture. The suspect cervid shall not be removed from the premises of the program participant until such time as the Department has been able to assess the animal and issue an order or guidance with regard to the holding, harvesting, testing and removal of such animal. Failure to immediately report a suspect cervid or abide by the removal provisions of this section shall constitute a violation of this General Quarantine Order.

ii. Dead cervid—Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, the program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. Record the death and include the animal as part of the Ongoing Annual Recordkeeping Requirements, established by Subsection 9.k. of this Order of General Quarantine.

B. Record the death and include the animal as part of the Ongoing Movement of Cervids Recordkeeping and Reporting Requirements, established by Subsection 9.l. of this Order of General Quarantine. Such information shall be reported within ten (10) business days of discovery of the death, on forms developed, approved and provided by the Department and shall set forth that information required by subparagraph 9.l.ix. of this Order of General Quarantine.

C. Have the dead cervid tested. The entire carcass, head or tissue samples from the carcass shall be transported for testing in accordance with the requirements of Subsections 9.f. or 9.g. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects, and testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, of this General Quarantine Order.



iii. Dead cervid found in an advanced state of decomposition—Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, in an advanced state of decomposition, the program participant, owner or caretaker shall report this death to the designated regional office of the Department within 48 hours. The program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. The dead cervid, including all parts and offal, shall not be removed from the premises of the program participant, except that the entire carcass or head of the carcass may be transported for testing as set forth in Subsection 9.f.i. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) of this General Quarantine Order or tissue samples may be collected and sent for testing as set forth at Subsection 9.f.ii. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) of this General Quarantine Order.

B. Where only the head or tissue samples are sent for testing, the carcass, parts and offal of the dead cervid shall not be removed from the premises of the program participant until test results have been received or a determination made that the carcass is untestable and shall only be disposed of in a manner approved by and set forth in writing by the Department.

C. Dead cervid carcasses considered to be untestable by the program participant or owner shall be verified as such by a Department or a USDA, APHIS representative prior to removal or disposal of such carcass, parts and offal. The Department or USDA, APHIS representative may determine that the entire carcass shall be collected and moved directly to a laboratory for collection and potential testing.

iv. Failure to abide by the requirements of this Subsection d. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition) shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) and the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program.

e. *Mandatory Testing.* A program participant with a herd that is enrolled in the Herd Certification Program shall be responsible to ensure that a farmed or captive CWD-susceptible cervid is tested in accordance with Subsection 9.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) or 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, if any of the following occur after the date of enrollment in the Herd Certification Program:

i. The cervid shows signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD and the cervid dies or is killed.

ii. The cervid is 12 months of age or older and is sent to a slaughter facility.

iii. The cervid is 12 months of age or older and dies for any reason (including accident, natural causes, slaughter, harvesting, hunting, culling or any other cause).

f. *Mandatory Testing for Farmed or Captive CWD-Susceptible Cervids designated as CWD Suspect.* If a dead farmed or captive CWD-susceptible cervid is required to

be tested because it showed signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD before it died or was killed, as described in Subsection 9.e.i. (related to mandatory testing), it shall be tested according to either of the following procedures:

i. A person shall immediately notify the Department of the dead CWD-susceptible cervid and do the following:

A. Collect either the entire carcass of the cervid or the entire head of the cervid with official identification devices attached in situ.

B. Deliver the carcass or head with official identification devices attached in situ for CWD testing. The properly completed chain of custody forms and sample submission forms required under Subsection 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head. The carcass or head shall bear a proper form of identification and be delivered within 72 hours of the cervid's death to either a Department laboratory or to a laboratory that has been approved in advance by the Department or USDA or both, to perform CWD testing. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department in determining herd certification status and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) as well as the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program.

ii. As an alternative to the CWD testing procedure described in paragraph (i), the following procedure shall be followed:

A. Tissue samples shall be collected by one of the following:

I. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

II. An authorized State official. A Department-certified CWD Sampling Technician does not meet the requirements of this subparagraph.

III. An authorized Federal official.

B. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

C. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

D. The tissue samples shall be delivered within 72 hours of the cervid's death to the Department or to a laboratory that has been approved in advance by the Department or USDA or both, for CWD testing. It is the owner's responsibility to report the death within a time frame that allows for collection and preservation of the tissue samples within 72 hours of the cervid's death as required by Subsection B. above and protect the carcass from further degradation until tissue samples can be collected.

E. Properly completed chain of custody forms and sample submission forms as required under Subsection 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the tissue samples.

g. *Testing Protocol for Other Farmed or Captive CWD-Susceptible Cervids.* If a farmed or captive CWD-susceptible cervid does not exhibit signs (as described in Subsection 9.d.i. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition)) that are consistent with CWD, and is required to be tested because it is 12 months of age or older and was either sent to a slaughter facility or died for any reason, as described in Subsections 9.e.ii. and 9.e.iii. (related to mandatory testing), the Department shall be notified by the program participant, who shall send the Department records setting forth the official identification of each farmed or captive CWD-susceptible cervid that was sent to slaughter or died for any reason set forth in Subsection 9.e.ii. and 9.e.iii. (related to mandatory testing), along with the name and address of the slaughter facility where each animal was slaughtered or the name and address of the place where the animal died or was harvested and the cause of death. In such cases, each farmed or captive CWD-susceptible cervid shall be tested according to the following procedures:

i. Tissue samples shall be collected by one of the following:

A. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

B. An authorized State official.

C. An authorized Federal official.

D. A Department-certified CWD Sampling Technician.

ii. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

iii. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

iv. Properly completed chain of custody forms and sample submission forms as required under Section 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the tissue samples.

v. The tissue samples shall, within 30 days of collection, be delivered to the Department for testing, or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

vi. As an alternative to the testing protocol described in paragraphs i, ii, iii, iv and v of this Subsection 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), the following protocols shall be followed:

A. Within 72 hours of the cervid's death, collect and deliver either the entire carcass of the cervid with official identification devices attached in situ or the entire head of the cervid with official identification devices attached in situ to a Department laboratory for CWD testing, or to a laboratory that has been approved in advance by the Department or USDA or both to perform CWD testing.

B. The program participant/herd owner shall be responsible for properly identifying the cervid carcass or head and delivering it in a manner that does not destroy or make the animal untestable.

C. The person who collects and the person who delivers the carcass or head need not be an approved tissue collector as described in Subsection 9.g.i. (related to testing protocol for other farmed or captive CWD-susceptible cervids).

D. The name, address and signature of the person collecting, or the person in possession of the carcass, and the person delivering the carcass or head shall be set forth in writing and such writing shall be attached to the chain of custody forms and sample submission forms required by this General Quarantine Order.

E. The properly completed chain of custody forms and sample submission forms required under Section 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head.

F. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department in determining herd certification status and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386), as well as the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program.

h. *Impact of Late Notice, Delivery or Untestable Samples on Enrollment Status.*

i. It is the program participant/herd owner's responsibility to assure good quality tissue is submitted for testing and ensure that all required samples are collected properly and in a timely manner as required by Subsections 9.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) of this General Quarantine Order. All required tissues shall be collected regardless of sample condition (e.g. autolyzed or frozen). In cases where sample quality is poor, the Department shall be notified and a determination made on samples to be submitted.

ii. Failure to abide by the requirements of this section shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) and the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program. Where the history of sample collections and submissions from the program participant/herd owner demonstrates a pattern of lack of submission of required samples, untimely submission of samples or poor performance including incorrect tissues submitted, poor tissue quality, or non-compliance with the provisions and requirements of Subsections 9.e. (related to mandatory testing), 9.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) of this General Quarantine Order, the Department may seek

such additional remedies, including injunctive relief as is allowed under the Domestic Animal Law. Adherence to the 72-hour deadlines established in Subsections 9.f.i.B, f.ii.B. f.ii.D. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and g.ii. and g.vi.A. (related to testing protocol for other farmed or captive CWD-susceptible cervids) will be considered a mitigating factor by the Department in any reevaluation of herd status.

i. *Chain of Custody of Samples; Submission of Samples.* A person may obtain chain of custody forms and sample submission forms from the Department by submitting a written request for such forms or by downloading the forms from the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

i. A person submitting a sample (whether tissue samples, an entire carcass or an entire head) for testing under the Herd Certification Program shall complete a chain of custody form and a sample submission form, and shall submit those forms along with the sample that is delivered for testing.

ii. The chain of custody form shall clearly identify the premises, including the address of the premises and the name and signature of the herd owner, on which the cervid resided and from which it was taken, official identification of the cervid, the date of sampling, and the persons (in chronological order) who handled the sample from the point it was taken until it is delivered to the Department, a Department-approved laboratory or a USDA-approved laboratory for CWD testing.

iii. The chain of custody form shall bear the signature, printed name and other identifying information with respect to each person who handles the sample.

iv. The completed chain of custody form and the sample submission form shall be provided to a responsible person at the laboratory to which the sample is delivered.

j. *Identification of Subject Animals.* Each farmed or captive CWD-susceptible cervid that is within a herd enrolled in the Herd Certification Program and is either 12 months of age or older or is transported alive from the enrolled premises regardless of its age at the time of movement shall have at least two forms of the Department and USDA, APHIS-approved animal identification attached. One form of identification shall be official. In accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate," official identification shall not be removed from animals. If the other form of identification is not official, it shall be unique to the animal on the enrolled premises. Other forms of secondary identification in addition to being unique to the animal in the herd, must be permanent and tamper-resistant. If duplicate (non-unique to the animal in the herd) secondary identification occurs, that duplication shall be resolved, corrected in the inventory, and promptly reported to the Department. Forms of identification that are Department-approved and USDA, APHIS-approved, "official" forms of identification for purposes of this provision include the following:

i. A legible and unique tattoo approved by the Department and USDA, APHIS.

ii. A USDA, APHIS-issued ear tag, bearing a unique number provided by USDA, APHIS that utilizes one of the following numbering systems:

A. The National Uniform Eartagging System (NUES).

B. The Animal Identification Number (AIN) bearing 15 digits starting with '840.'

C. The premises-based numbering system using a Premises Identification Number (PIN) in conjunction with a livestock production numbering system.

D. Any other numbering system approved by USDA, APHIS and the state veterinarian.

iii. An electronic implant device, such as a microchip that utilizes a nationally unique 15 digit animal identification number starting with '840' provided an appropriate reader is immediately available wherever the animal is located.

iv. Any other identification device approved by the Department and USDA, APHIS.

k. *Ongoing Annual Recordkeeping Requirements.* A program participant with a herd that is enrolled in the Herd Certification Program shall maintain up-to-date herd inventory records with respect to the subject herd for a period of 5 years and shall make these records available for inspection by the Department upon request. A current, updated inventory shall be provided to the Department representative at the time the annual inspection is performed. These records shall be kept and filed on forms developed, approved and provided by the Department. The forms will be made available on the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)) and will be available in paper form for those program participants that do not have internet access. The program participant shall be required to complete all fields on the recordkeeping forms and incomplete forms shall be returned to the program participant with a deadline for completion. These records shall include the following information with respect to each subject cervid:

i. Official identification placed, as previously described in Subsection j. (related to identification of subject animals) for each cervid in the enrolled herd.

ii. Either the second official identification in accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate" or the unofficial identification that is unique to the animal on the enrolled premises, as previously described in Subsection 9.j. (related to identification of subject animals).

iii. The sex, date of birth and species of the subject cervid.

iv. The date of departure and the destination, of any subject cervid removed from the herd since the last inspection. Such records shall include all of the following information:

A. The contact information (name, complete address, telephone number and when available, email address) of the person to whom the cervid was sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred.

B. The contact information (name, complete address, telephone number and where applicable, Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number) or both where both types of licenses are held of any dealer, hauler or broker or Pennsylvania cervid livestock operation utilized in such transaction.

C. The date of death and cause of death (if known) of any subject cervid that dies and the CWD test result for that animal.

v. If the subject cervid is new to the herd since the "date of enrollment" previously described in Section 9.c. (related to status of herd), designation of whether the subject was born to the herd or acquired from outside the

herd. Those animals born to the herd, less than 12 months of age, and without any identification shall be counted and listed by number and gender. For example, four buck fawns and three doe fawns born in 2014. If the subject cervid was acquired from outside the herd the following information shall be provided:

A. The source of the subject cervid including contact information (name, complete address, telephone number, and when available, email address) of the source herd.

B. The date of acquisition.

vi. Where a Pennsylvania dealer, hauler, or broker or a Pennsylvania cervid livestock operation was involved in the transaction, the name, complete address, telephone number and Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number or both where both types of licenses are held of such dealer, hauler, broker or Pennsylvania cervid livestock operation.

1. *Ongoing Movement of Cervids Recordkeeping and Reporting Requirements.* A program participant shall report any and all movements of CWD susceptible species of cervids onto and off of the premises (i.e. additions and deletions to the herd). Such reports shall:

i. Be filed on an ongoing basis with the Department and shall be filed within ten (10) business days of the movement of a CWD susceptible species of cervid onto or off of the program participant's premises.

ii. Be on forms developed, approved and provided by the Department.

iii. Be complete and shall contain all of the information requested by the Department.

iv. Set forth the type of transaction, which included sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred and whether such transaction transferred ownership or mere possession of the cervid(s).

v. Set forth the reasons for the movement, including to a slaughter facility; movement to or from another Pennsylvania program participant, movement to or from a separately enrolled premises of the same Pennsylvania program participant; movement to or from an out of state person or any other reason for movement of the cervid(s) on to or off of the program participant's property.

vi. With regard to both the premises of origin and the premises of destination, include, at a minimum, the following information:

A. The program participant's name and mailing address, which shall match that which was provided on the program participant's enrollment forms.

B. The fictitious name (if applicable) of the program participant's cervid businesses, which shall match those which were provided on the program participant's enrollment forms.

C. The Pennsylvania premises identification number of the program participant's property (where applicable), which shall match that which was provided on the program participant's enrollment forms.

D. The address and physical location of the property to which the CWD susceptible species of cervid(s) were added and the address and physical location of the property from which the CWD susceptible species were deleted. Post office box addresses shall not be acceptable.

Where the property is that of a Pennsylvania program participant, the Pennsylvania premises identification number shall be set forth.

E. Where the premises of origin or premises of destination is out of state, the name, address of the person and entity from which the cervid(s) was purchased or acquired or to which the cervid was sold or transferred; a copy of the certificate of veterinary inspection (CVI) accompanying each cervid; and a copy of the bill of sale or purchase; and the bill of lading. The address of the person from which the cervid(s) was purchased or acquired or to which the cervid was sold or transferred shall be a physical address and a post office box address shall not be acceptable.

F. Where the premises of destination is a slaughter facility, the name and address of the slaughter facility shall be set forth and a copy of the bill of sale and bill of lading shall be attached.

vii. Where a dealer, broker or hauler was utilized, include the name, address and contact information of the broker, hauler and dealer. Where such dealer, hauler or broker was a Pennsylvania dealer, hauler or broker, the Pennsylvania Dealer/Hauler license number and license expiration date shall be set forth. The address shall be a physical address and a post office box address shall not be acceptable

viii. The address and property owners name of any premises, other than the final premises of destination, to which the CWD susceptible species of deer were shipped or on which they were housed, held or stopped-over prior to reaching the final premises of destination. The address shall be a physical address and a post office box address shall not be acceptable.

ix. For each cervid include the following information:

A. The official identification of each subject animal meeting the requirements of Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order.

B. Either the second official identification in accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate" or the unofficial identification that is unique to the animal on the enrolled premises, as previously described in Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order.

C. The sex, date of birth and species of the subject cervid.

D. The date of departure from the premises of origin of each cervid and the date of arrival at the final premises destination of each cervid. Locations where the cervid(s) were transferred, off loaded, held or otherwise stopped over at a destination that was not the final premises destination, the date of arrival and date of departure of each cervid from that destination.

x. For each cervid or herd of cervids moved, the herd certification status, as set forth in Subsection 9.c. (related to status of herd), of each cervid herd, from which each cervid was purchased, to which each cervid was shipped and the herd certification status of any person, entity or herd at which the cervid or herd of cervids was stopped-over or unloaded. Such information shall include the information for each person or entity as is required by paragraphs vi., vii. and viii. of this Subsection 9.i. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

A. Where the cervid herd or individual cervid is not from a certified herd, the appropriate status, such as monitored, shall still be set forth. Such information shall include the information for each person or entity as is required by paragraphs vi., vii. and viii. of this Subsection 9.1. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

B. Where the cervid herd or individual cervid is from an out-of-state herd the certification status assigned to the cervid(s) by the state of origin shall be set forth. Such information shall include the information for each person or entity as is required by paragraphs vi., vii. and viii. of this Subsection 9.1. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

m. *Ongoing Reporting Requirement regarding Theft or Escape of CWD-Susceptible Cervids from an Enrolled Herd or Wild CWD-Susceptible Cervids entering an Enrolled Herd.*

i. Theft or escape—A program participant shall report to the designated Department's regional office within 48 hours the removal of any farmed or captive CWD-susceptible cervid from the enrolled herd through theft or escape. The program participant shall file a signed, written report of theft or escape of a cervid with the designated Department's regional office within ten (10) business days of the theft or escape either by mail, fax or email. The signed written report shall set forth the date of such theft or escape, the cause of such escape or perpetrator of such theft if known, a copy of the police report if theft was involved and shall clearly identify each cervid, including setting forth the official identification of each cervid, that escaped or was stolen.

ii. Breach by a wild CWD susceptible cervid—A program participant shall report to the designated regional office within 48 hours if a wild CWD-susceptible cervid or any other CWD-susceptible cervid gains entrance into the enrolled herd. The program participant shall file a signed, written report with the designated Department's regional office within ten (10) business days of the incident. Such report shall be filed either by mail, fax, or email. The signed written report shall set forth the date on which the wild CWD-susceptible cervid or any other CWD-susceptible cervid gained entrance and any action taken by the program participant, including the date on which the wild CWD susceptible cervid or any other CWD-susceptible cervid was removed from the enclosure, the method of removal, the cause of incident, such as a break in the fence or a gate left open and any action taken to prevent the ingress of wild CWD susceptible cervids or any other CWD-susceptible cervid from occurring again.

iii. Exception—This reporting requirement is not applicable to additions to a herd as described in Subsection 9.p. (related to additions to the herd).

iv. Failure to report—Failure to report theft, escapes, or ingress of wild cervids within prescribed deadlines shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) and loss of program enrollment and placement in the Herd Monitoring Program.

n. *Inspections.* The Department or its agents acting under the authority and direction of the Department will, at least once per calendar year and as many times as may be necessary to assure compliance with this General

Quarantine Order or in response to complaints, inspect the premises upon which an enrolled herd of farmed or captive CWD-susceptible cervids is maintained. The Department may conduct additional inspections at reasonable times.

i. General scope. Inspections may include records review, whole herd inventory with individual animal identification (ID), inspecting fences and other measures within the scope of authority of the Department and necessary to determine compliance with the Herd Certification Program. Whole herd inventories shall be done by either visual or hands-on verification, as set forth in paragraphs iii. and iv. of this Subsection 9.n. (related to inspections).

ii. Inspections required. Upon enrollment in the Herd Certification Program, a visual or hands-on herd inventory by an Accredited Category II veterinarian shall be required for new program participants. Current Herd Certification Program participants shall be required to have a visual or hands-on herd inventory completed by an Accredited Category II veterinarian by the next scheduled herd inspection date or 120 days after the date of this General Quarantine Order (whichever is longer). In all cases the owner/program participant shall be responsible for assembling, handling, and restraining the animals and for all costs incurred to complete the visual or hands-on herd inventory. The owner/program participant shall be responsible for resolving any herd inventory discrepancies within a timeframe acceptable to USDA, APHIS, VS and the Department.

iii. Visual herd inventory verification. Herd inventories may be visually verified at least every 12 months. However, additional inspections may be performed at the discretion of the Department. Accredited Category II veterinarians are approved to and shall be utilized to perform annual visual herd inventory verification. Those animals 12 months of age and older shall be bearing approved animal identification ear tags meeting the criteria of Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order and that are visible and legible from a distance, within a pen or other suitable enclosure.

A. Where visual verification of the entire herd inventory is not possible, such as where an animal is not bearing a form of approved animal identification that can be visually inspected, the unidentified animal or animals shall be individually restrained for examination or a hands-on inventory of the entire herd shall be conducted. This process shall be completed in a timeframe acceptable to the Department or USDA APHIS.

B. The owner/program participant shall be responsible for assembling or restraining the herd in a manner that will allow the Accredited Category II veterinarian conducting the inventory to confirm the identification of each animal through inspection of one of the two forms of the Department and USDA, APHIS-approved animal identification meeting the criteria established by Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order. A Department or USDA APHIS employee or agent shall have the authority to require the owner/program participant to assemble and restrain the herd for purposes of inventory verification or other compliance issues.

C. A hands-on inventory may require physical restraint of individual animals in chutes or chemical restraint methods which shall be done by and provided by the owner/program participant.

D. Those animals less than 12 months of age, without any identification shall be counted and listed by number and gender. For example, four buck fawns and three doe fawns born in 2014.

iv. Whole herd hands-on inventory verification. A whole herd hands-on inventory verification for all Herd Certification Program participants who do not participate in the whole herd annual visual inventory verification option shall be required and performed at no greater than three year intervals by a USDA APHIS Category II accredited veterinarian.

A. The owner/program participant shall be responsible for assembling and restraining all the animals in a manner that will allow the Accredited Category II veterinarian conducting the inventory to confirm the identification of such animal through inspection of the two forms of the Department and USDA, APHIS-approved animal identification meeting the criteria established by Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order of those animals 12 months of age and older. A Department or USDA APHIS employee or agent shall have the authority to require the owner/program participant to assemble and restrain all animals in the herd for purposes of inventory verification or other compliance issues.

B. Those animals less than 12 months of age, without any identification shall be counted and listed by number and gender. For example, four buck fawns and three doe fawns born in 2014.

C. A hands-on inventory may require physical restraint of individual animals in chutes or chemical restraint methods which shall be done by and provided by the owner/program participant.

v. Reconciliation of herd inventory. All herd inventories verified through either visual or hands-on verification during inspections shall be reconciled with written inventories, including respective official identification, required to be kept by the owner/program participant under Subsections 9.k. (related to ongoing annual recordkeeping requirements) and 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

A. The reconciliation of herd inventories done through visual or hands-on verification and the owner/program participant's required written inventory records and reports shall be the duty of the owner/program participant.

B. A discrepancy in herd inventories done through visual or hands-on verification and the owner/program participant's written inventory records and reports shall be prima facie evidence of a violation of the recordkeeping provisions of this General Quarantine Order.

C. If duplicate (non-unique to the animal in the herd) secondary identification is observed during inspection that duplication shall be resolved within a time frame acceptable to inspection personnel.

vi. Inspection noncompliance—Failure to comply shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

o. *Fencing*. A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program shall be maintained so as to prevent ingress and egress of cervids. Fence height shall be a minimum of 8 feet, although a 10-foot height is recommended.

p. *Additions to the Herd*. The following requirements apply regardless of the period of time the cervid is in the herd (Example: when a buck is moved to an enrolled herd for breeding season). The addition of a CWD-susceptible cervid to a herd enrolled in the Herd Certification Program shall be done in accordance with all of the following requirements:

i. The addition of each cervid shall be documented consistent with and in the manner required by Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) and shall be set forth in the annual report required by Subsection 9.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

ii. No CWD-susceptible cervid may be added to a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program unless the CWD-susceptible cervid to be added originates from that herd or a herd that is also enrolled in and in good standing in the Pennsylvania Herd Certification Program.

iii. The added CWD-susceptible cervid shall be from a herd of an equal or greater certification status, as established in Subsection 9.c. (related to status of herd).

iv. Cervids sourced from out-of state herds must originate from fully certified (five year status) herds as required by 9 CFR Part 81 of the Code of Federal Regulations.

v. CWD-susceptible cervids shipped interstate or intrastate shall not be stopped over at or exposed to any cervid operation that does not meet the requirements set forth in this subsection or that is not in compliance with this General Quarantine Order.

A. Where a CWD-susceptible cervid is stopped over or unloaded at another premises on which CWD-susceptible cervids are kept or otherwise exposed to other CWD-susceptible cervids, those CWD-susceptible cervids shall be from a herd of equal certification status.

B. Where the stop over premises maintains CWD-susceptible cervids of a lower certification status, the incoming CWD-susceptible cervid(s) certification status shall be lowered to at least the certification status of the herd maintained on the stop over premises.

C. Where the stop over premises is within the Commonwealth and has a certification status greater than that of the CWD-susceptible species stopped over or unloaded at that premises, the certification status of the CWD-susceptible species maintained at the stop over premises shall be reduced to at least the certification status of the stopped over or incoming CWD-susceptible cervids.

vi. Failure to comply with the intrastate movement requirements shall result in adjustment of the herd certification status of the receiving program participant. The herd certification status shall be reduced to the herd certification status of the incoming cervid(s) or a lower status or the receiving program participant's herd being removed from the voluntary herd certification program and placed in the mandatory herd monitoring program.

vii. Failure to comply with interstate movement requirements shall result in removal from the voluntary Herd Certification Program and placement in the mandatory Herd Monitoring Program.

viii. A violation of any of the provisions of this Subsection 9.p. (regarding to additions to the herd) may also result in the imposition of such criminal and civil penal-

ties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

q. *Usage of semen, embryos, germ plasm, urine, and other cervid by-products.* Semen, embryos, germ plasm, urine and other cervid by-products may be used in a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program if the following are met:

i. The donor animal is from a herd of equal or greater herd status as the destination herd. The source herd shall not have a CWD-positive animal, a CWD-suspect animal or a CWD-exposed animal at time of collection of the cervid by-product. The source herd shall not have CWD identified within the 60 months prior to collection.

ii. Out-of-state donor animals shall meet the same Tuberculosis and Brucellosis testing requirements as would be applicable if the donor animal, itself, was being imported.

iii. Records shall be maintained for 5 years from the date of receipt by the seller and buyer including (as applicable) collection date, animal identification, including the official identification number, with respect to the cervid from which the cervid by-product was collected, animal identification, including the official identification number, with respect to the cervid that received the cervid by-product, date of sale, the CWD status of the source premises, and both buyer and seller name, address and telephone number. If a donor animal is from outside this Commonwealth, records of negative Tuberculosis and Brucellosis testing shall also be maintained. Records shall demonstrate that semen, embryos, urine and other cervid by-products from CWD-positive, CWD-suspect, CWD-exposed, and CWD quarantined herds have been destroyed.

r. *Intrastate Movement of Enrolled Cervids.* Farmed or captive CWD-susceptible cervids that are enrolled under the Herd Certification Program may be moved intrastate only if all of the following requirements are fulfilled:

i. The cervid shall only be sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred to a person or entity that is currently enrolled in either the CWD herd certification or CWD herd monitoring program established by this General Quarantine Order.

ii. The identification requirements delineated in Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order are followed and obeyed.

iii. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 9.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

iv. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

v. The herd addition requirements established under Subsection 9.p. (related to additions to the herd) of this General Quarantine Order are followed and obeyed.

vi. All other applicable intrastate movement requirements established by the Domestic Animal Law, its attendant regulations or an order of the Department are followed and obeyed.

s. *Bills of Sale.* All program participants shall create and have in their possession and shall keep as a part of their records for a period of five (5) years a bill of sale for each cervid purchased or sold. The bill of sale shall have information necessary to comply with the recordkeeping provisions of Subsection 9.l.vi., vii., viii. ix. and x. (related to ongoing movement of cervids recordkeeping and reporting requirements). For each cervid transferred by a means other than sale, including barter, lease, loan, exchange or otherwise, a written document of the transaction setting forth the type of transfer and the information required in the Bill of Sale shall be created. Such document shall be maintained as a part of the program participants file for a period of five (5) years. All documents required by this subsection shall be made available to the Department, its employees or agents, upon request.

t. *Changes of Status or Change of Program for Non-Compliance.* If a herd is enrolled in the CWD Herd Certification Program, and the program participant fails to meet the applicable requirements of the voluntary Herd Certification Program as described in this General Quarantine Order or the enrolled herd is not maintained in accordance with the applicable requirements of this General Quarantine Order, the Department may, as it determines is appropriate and for reasons more specifically set forth in the Herd Certification Program provisions of this General Quarantine Order, change the herd certification status of the enrolled herd to a lower status, or remove the herd from the voluntary CWD Herd Certification Program and enroll it under the mandatory CWD Herd Monitoring Program. These actions may be taken for violations such as failure to meet applicable mandatory testing requirements, animal identification requirements, reporting requirements, recordkeeping requirements, herd addition requirements, interstate or intrastate movement requirements or any other requirements imposed by this General Quarantine Order. Herd Certification Program participants found in violation of this Order shall be subject to imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

#### 10. CWD Herd Monitoring Program.

a. *Program established.* The Chronic Wasting Disease Herd Monitoring Program (Herd Monitoring Program) as established by the August 4, 2006, General Quarantine Order; Chronic Wasting Disease Program (36 Pa.B. 4612 (August 19, 2006) described in Section 2 (related to February 4, 2011 general quarantine order; chronic wasting disease program) and continued by the February 4, 2011, General Quarantine Order; Chronic Wasting Disease Program (41 Pa.B. 727 (February 4, 2011)), as the Chronic Wasting Disease Herd Monitoring Program (Herd Monitoring Program), is continued as otherwise modified by this Order in the manner established herein.

b. *Mandatory Program.* Enrollment in the CWD Herd Monitoring Program is mandatory, if not participating in the voluntary CWD Herd Certification Program, for those that own CWD-susceptible species. The CWD Herd Monitoring Program establishes criteria which are less stringent than those required by the CWD Herd Certification Program. Failure to enroll in the mandatory CWD Herd Monitoring Program or failure to comply with the criteria established in this General Quarantine Order may result in the imposition of penalties, such as criminal and civil penalties, injunctive, civil and equitable relief, as is allowed under the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.).

c. *Previously Enrolled Herds.* The status of herds enrolled in the CWD Herd Monitoring Program under the February 4, 2011 Order of General Quarantine which are in compliance with that Order as of the effective date of this General Quarantine Order will maintain their existing status under this Order of General Quarantine if they elect to enroll in and agree to comply with the provisions of the CWD Herd Monitoring Program established under this Order of General Quarantine.

d. *Duty to Report Suspects and Dead Cervids and Dead Cervids found in an advanced state of decomposition.* The program participant, the owner of a herd of farmed or captive CWD-susceptible cervids and any caretaker of that herd shall immediately report any suspect cervid, dead cervid or dead cervid found in an advanced state of decomposition as set forth herein. Failure to comply with any of the provisions of this subsection including failure to report a suspect cervid, the death of a cervid within the time periods set forth herein or the discarding, removal or disposal of carcasses, parts, offal or tissues in a manner which is inconsistent with the provisions of this subsection or without the required verifications shall constitute a violation of this General Quarantine Order.

i. *Suspect Cervid*—Any cervid that shows signs that are consistent with CWD (such as staggering, drooling, wasting or unusual behavior) shall be immediately reported to the designated regional office of the Bureau of Animal Health in the Pennsylvania Department of Agriculture. The suspect cervid shall not be removed from the premises of the program participant until such time as the Department has been able to assess the animal and issue an order or guidance with regard to the holding, harvesting, testing and removal of such animal. Failure to immediately report a suspect cervid or abide by the removal provisions of this section shall constitute a violation of this General Quarantine Order.

ii. *Dead Cervid*—Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, the program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. Record the death and include the animal as part of the Ongoing Annual Recordkeeping Requirements, established by Subsection 10.k. of this Order of General Quarantine.

B. Have the dead cervid tested. The entire carcass, head or tissue samples from the carcass shall be transported for testing in accordance with the requirements of Subsections 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspect) or 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, of this General Quarantine Order.

iii. *Dead cervid found in an advanced state of decomposition*—Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older in an advanced state of decomposition, the program participant, owner or caretaker shall report this death to the designated regional office of the Department within 48 hours. The program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. The dead cervid, including all parts and offal, shall not be removed from the premises of the program participant, except that the entire carcass or head of the carcass may be transported for testing as set forth in Subsection

10.f.i. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspect) of this General Quarantine Order or tissue samples may be collected and sent for testing as set forth at Subsection 10.f.ii. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspect) of this General Quarantine Order.

B. Where only the head or tissue samples are sent for testing, the carcass, parts and offal of the dead cervid shall not be removed from the premises of the program participant until test results have been received or a determination that the carcass is untestable and shall only be disposed of in a manner approved by and set forth in writing by the Department.

C. Dead cervid carcasses considered to be untestable by the program participant or owner shall be verified as such by a Department or USDA, APHIS representative prior to removal or disposal of such carcass, parts and offal. The Department or USDA, APHIS representative may determine that the entire carcass shall be collected and moved directly to a laboratory for collection and potential testing.

iv. Failure to abide by the requirements of this Subsection d. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition) shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

e. *Mandatory Testing.* One-hundred percent of all mortalities, due to any cause, shall be tested. The mandatory testing requirements established herein shall become effective upon enrollment and shall apply to all cervids regardless of the herd of origin. A program participant with a herd that is enrolled in the Herd Monitoring Program shall be responsible to ensure that a farmed or captive CWD-susceptible cervid is tested in accordance with Subsections 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspect) or 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, if any of the following occur:

i. The cervid shows signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD and the cervid dies or is killed.

ii. The cervid is 12 months of age or older and is sent to a slaughter facility.

iii. The cervid is 12 months of age or older and dies for any reason (including accident, natural causes, slaughter, harvesting, hunting, culling or any other cause).

f. *Mandatory Testing for Farmed or Captive CWD-Susceptible Cervids.* If a dead farmed or captive CWD-susceptible cervid is required to be tested because it showed signs (such as staggering, drooling, wasting, or unusual behavior) that are consistent with CWD before it died or was killed, as described in Subsection 10.e.i. (related to mandatory testing), it shall be tested according to either of the following procedures:

i. A person shall immediately notify the Department of the dead CWD-susceptible cervid and do the following:

A. Collect either the entire carcass of the cervid or the entire head of the cervid with official identification devices attached in situ.



B. Deliver the carcass or head with official identification devices attached in situ for CWD testing. The properly completed chain of custody forms and sample submission forms required under Subsection 10.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head. The carcass or head shall bear a proper form of identification and be delivered within 72 hours of the cervid's death to either a Department laboratory, or to a laboratory that has been approved, in advance, by the Department or USDA, or both, to perform CWD testing. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

ii. As an alternative to the CWD testing procedure described in paragraph (i), the following procedure shall be followed:

A. Tissue samples shall be collected by one of the following:

I. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

II. An authorized State official. A Department-certified CWD Sampling Technician does not meet the requirements of this subparagraph.

III. An authorized Federal official.

B. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

C. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

D. The tissue samples shall be delivered within 72 hours of the cervid's death to the Department or to a laboratory that has been approved in advance by the Department or USDA, or both, for CWD testing. It is the owner's responsibility to report the death within the time frame that allows for collection and preservation of the tissue samples within 72 hours of the cervid's death as required by Subsection B. above and protect the carcass from further degradation until tissue samples can be collected.

E. Properly completed chain of custody forms and Sample Submission Forms as required under Subsection 10.i. (related to chain of custody of samples: submission of samples) of the General Quarantine Order shall accompany the tissue samples.

g. *Testing Protocol for Other Farmed or Captive CWD-Susceptible Cervids.* One-hundred percent of all mortalities, due to any cause, shall be tested. If a farmed or captive CWD-susceptible cervid does not exhibit signs (as described in Subsection 10.d.i. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition)) that are consistent with CWD, and is required to be tested because it is 12 months of age or older and was either sent to a slaughter facility or died for any reason, as described in Subsections 10.e.ii. and 10.e.iii. (related to mandatory testing), the Depart-

ment shall be notified by the program participant, who shall send the Department records setting forth the official identification of each farmed or captive CWD-susceptible cervid that was sent to slaughter or died for any reason set forth in Subsection 10.e.ii. and 10.e.iii. (related to mandatory testing), along with the name and address of the slaughter facility where each animal was slaughtered or the name and address of the place where the animal died or was harvested and the cause of death. In such cases, each farmed or captive CWD-susceptible cervid shall be tested according to the following procedures:

i. Tissue samples shall be collected by one of the following:

A. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

B. An authorized State official.

C. An authorized Federal official.

D. A Department-certified CWD Sampling Technician.

ii. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

iii. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

iv. Properly completed chain of custody forms and sample submission forms as required under Section 10.i. (related to chain of custody samples; submission of samples) of this General Quarantine Order shall accompany the tissue samples.

v. The tissue samples shall, within 30 days of collection, be delivered to the Department for testing, or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

vi. As an alternative to the testing protocol described in paragraph, i., ii., iii., iv., and v. of this Subsection 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) the following protocols shall be followed:

A. Within 72 hours of the cervid's death, collect and deliver either the entire carcass of the cervid with official identification devices attached in situ or the entire head of the cervid with official identification devices attached in situ to a Department laboratory for CWD testing, or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

B. The program participant/herd owner shall be responsible for properly identifying the cervid carcass or head and delivering it in a manner that does not destroy or make the animal untestable.

C. The person who collects and the person who delivers the carcass or head need not be an approved tissue collector as described in Subsection 10.g.i. (related to testing protocol for other farmed or captive CWD-susceptible cervids).

D. The name, address, and signature of the person collecting, or the person in possession of the carcass, and the person delivering the carcass or head shall be set forth in writing and such writing shall be attached to the chain of custody forms and sample submission forms required by this General Quarantine Order.

E. The properly completed chain of custody forms and sample submission forms required under Subsection 10.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head.

F. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

*h. Impact of Late Notice, Delivery or Untestable Samples.*

i. It is the program participant/herd owner's responsibility to assure good quality tissue is submitted for testing and ensure that all required samples are collected properly and in a timely manner as required by Sections 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 10.g. (related to testing protocol for other farmed or captive CWD susceptible cervids) of this General Quarantine Order. All required tissues shall be collected regardless of sample condition (e.g. autolyzed or frozen). In cases where sample quality is poor the Department shall be notified and a determination made on samples to be submitted.

ii. Failure to abide by the requirements of this section shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386). Where the history of sample collections and submissions from the program participant/herd owner demonstrates a pattern of lack of submission of required samples, untimely submission of samples or poor performance including incorrect tissues submitted, poor tissue quality or non-compliance with the provisions and requirements of Subsections 10.e. (related to mandatory testing), 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 10.g. (related to testing protocol for other farmed or captive CWD susceptible cervids) of this General Quarantine Order, the Department may seek such additional remedies, including injunctive relief as is allowed under the Domestic Animal Law. Adherence to the 72-hour deadlines established in this Section 10.f.i.B., 10.f.ii.B., 10.f.ii.D. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 10.g.ii. and 10.g.vi.A. (related to testing protocol for other farmed or captive CWD susceptible cervids) will be considered a mitigating factor by the Department in any penalty assessed.

*i. Chain of Custody of Samples; Submission of Samples.* A person may obtain chain of custody forms and sample submission forms from the Department by submitting a written request for such forms or by downloading the forms from the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

i. A person submitting a sample (whether tissue samples, an entire carcass or an entire head) for testing under the Herd Monitoring Program shall complete a chain of custody form and a sample submission form, and shall submit those forms along with the sample that is delivered for testing.

ii. The chain of custody form shall clearly identify the premises, including the address of the premises and the name and signature of the herd owner, on which the cervid resided and from which it was taken, official identification on the cervid, the date of sampling, and the persons (in chronological order) who handled the sample from the point it was taken until it is delivered to the Department, or a Department-approved laboratory, or a USDA-approved laboratory for CWD testing.

iii. The chain of custody form shall bear the signature, printed name and other identifying information with respect to each person who handles the sample.

iv. The completed chain of custody form and the sample submission form shall be provided to a responsible person at the laboratory to which the sample is delivered.

*j. Identification of Subject Animals.* Each farmed or captive CWD-susceptible cervid that is within a herd enrolled in the Herd Monitoring Program shall have at least one form of the Department and/or USDA, APHIS-approved official animal identification attached if it is transported from the enrolled premises or is tested for CWD as required by Subsection 10.e. (related to mandatory testing) of this General Quarantine Order. In accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate", official identification shall not be removed from animals. Identification devices shall be submitted with tissues or remain in place when heads or carcasses are submitted for testing. Forms of identification that are Department-approved or USDA, APHIS-approved, or both, are considered "official" forms of identification for purposes of this provision and include the following:

i. A legible and unique tattoo approved by the Department or USDA, APHIS.

ii. A USDA, APHIS-issued ear tag, bearing a unique number provided by USDA, APHIS that utilizes one of the following numbering systems:

A. The National Uniform Eartagging System (NUES).

B. The Animal Identification Number (AIN) bearing 15 digits starting with '840.'

C. The premises-based numbering system using a Premises Identification Number (PIN) in conjunction with a livestock production numbering system.

D. Any other numbering system approved by USDA, APHIS and the state veterinarian.

iii. A Department-issued metal ear tag, bearing a unique number provided by the Department.

iv. An electronic implant device, such as a microchip, that utilizes a nationally unique 15 digit animal identification number starting with '840' provided an appropriate reader is immediately available wherever the animal is located.

v. Any other identification device approved by the Department and USDA, APHIS.

*k. Ongoing Annual Recordkeeping Requirements.* A program participant with a herd that is enrolled in the Herd Monitoring Program shall maintain up-to-date herd inventory records with respect to the subject herd for a period of 5 years, shall make these records available for inspection by the Department upon request, and shall mail or deliver a copy of these records to the Department no later than one month after each anniversary of the "date of enrollment" in the Herd Monitoring Program. These records shall be kept and filed on forms developed, approved and provided by the Department. The forms will

be made available on the Department's website (www.agriculture.state.pa.us) and will be available in paper form for those program participants that do not have internet access. The program participant shall be required to complete all fields on the recordkeeping forms and incomplete forms shall be returned to the program participant with a deadline for completion. These records shall include the following information with respect to each subject cervid:

- i. Herd size (estimate if exact size is not known).
- ii. Documentation of test results indicating a testing level of no less than 100% of cervids that have died from any cause, or were slaughtered or harvested from anniversary date of the enrollment in the Herd Monitoring Program or from the previous inspection whichever is more recent.
- iii. For each CWD-susceptible cervid with identification that is enrolled in the Herd Monitoring Program:
  - A. The unique number or identification information from the tattoo, tag, electronic implant device or other identification device described in Subsection 10.j. (related to identification of subject animals).
  - B. The sex and species of the subject cervid.
  - C. The date of birth of the subject cervid.
  - iv. The date of departure and the destination of any subject cervid removed from the herd since the last provided inventory. Such records shall include all of the following information:
    - A. The contact information (name, complete address, telephone number and when available, email address) of the person to whom the cervid was sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred.
    - B. The contact information (name, complete address, telephone number and where applicable, Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number) or both where both types of licenses are held of any dealer, hauler or broker or Pennsylvania cervid livestock operation utilized in such transaction.
    - C. The date of death and cause of death (if known) of any subject cervid that dies and the CWD test result for that animal.
    - v. If the subject cervid is new to the herd since the "date of enrollment," or previous annual inventory report, designation of whether the subject was born to the herd or acquired from outside the herd. If the subject cervid was acquired from outside the herd the following information shall be provided:
      - A. The source of the subject cervid including contact information (name, complete address, telephone number and when available, email address) of the source herd.
      - B. The date of acquisition.
    - vi. Where a Pennsylvania dealer, hauler, broker or Pennsylvania cervid livestock operation was involved in the transaction, the name, complete address, telephone number and Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number or both where both types of licenses are held of such dealer, hauler, broker or Pennsylvania cervid livestock operation.

1. *Ongoing Movement of Cervids Recordkeeping and Reporting Requirements.* A program participant shall report any and all movements of CWD susceptible species of cervids onto and off of the premises (i.e. additions and

deletions to the herd) if the transaction was with a Herd Certification Program participating herd. Such reports shall meet the requirements of Section 9.1. (related to CWD Herd Certification Program, ongoing movement of cervids recordkeeping and reporting requirements).

m. *Ongoing Reporting Requirement regarding Theft or Escape of CWD-Susceptible Cervids from an Enrolled Herd or Wild CWD-Susceptible Cervids entering an Enrolled Herd.*

i. Theft or escape—A program participant shall report to the designated Department's regional office within 48 hours the removal of any farmed or captive CWD-susceptible cervid from the enrolled herd through theft or escape. The program participant shall file a signed, written report of theft or escape of a cervid with the designated Department's regional office within ten (10) business days of the theft or escape either by mail, fax or email. The signed written report shall set forth the date of such theft or escape, the cause of such escape or perpetrator of such theft if known, a copy of the police report if theft was involved and shall clearly identify each cervid, including setting forth the official identification of each cervid, that escaped or was stolen.

ii. Breach by a wild CWD susceptible cervid—A program participant shall report to the designated regional office within 48 hours if a wild CWD-susceptible cervid or any other CWD-susceptible cervid gains entrance into the enrolled herd. The program participant shall file a signed, written report with the designated Department's regional office within ten (10) business days of the incident. Such report shall be filed either by mail, fax or email. The signed written report shall set forth the date on which the wild CWD-susceptible cervid or any other CWD-susceptible cervid gained entrance and any action taken by the program participant, including the date on which the wild CWD susceptible cervid or any other CWD susceptible cervid was removed from the enclosure, the method of removal, the cause of incident, such as break in the fence or a gate left open and any action taken to prevent the ingress of wild CWD susceptible cervids or any other CWD susceptible cervid from occurring again.

iii. Exception—This reporting requirement is not applicable to additions to a herd as described in Subsection 10.p. (related to additions to the herd)

iv. Failure to report—Failure to report theft, escapes, or ingress of wild cervids within prescribed deadlines shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

n. *Inspections.* The Department or agents acting under authority and direction of the Department may, at its discretion, inspect the premises upon which an enrolled herd of farmed or captive CWD-susceptible cervids is maintained to assure compliance with this General Quarantine Order or in response to complaints. The Department may conduct additional inspections at reasonable times.

i. General scope—Inspections may include records review, checking individual animal identification, whole herd inventory with individual animal identification, inspecting fences and other measures within the scope of authority of the Department and necessary to determine compliance with the Herd Monitoring Program. A program participant shall cooperate with the Department, and shall facilitate the inspection by making premises, animals and records available to the Department without delay.

ii. Inspection noncompliance—Failure to comply shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

o. *Fencing.* A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitoring Program shall be maintained so as to prevent ingress and egress of cervids. Fence height is to be a minimum of 8 feet, although a 10-foot minimum height is recommended.

p. *Additions to the Herd.* The following requirements apply regardless of the period of time the cervid is in the herd (Example: when a buck is moved to an enrolled herd for breeding season). The addition of a CWD susceptible cervid to a herd enrolled in the Herd Monitoring Program shall be done in accordance with all of the following requirements:

i. The addition of each cervid shall be documented consistent with and in the manner required by Subsection 10.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) and shall be set forth in the annual report required by Subsection 10.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

ii. Cervids sourced from out-of-state herds must originate from fully certified herds as required by 9 CFR Part 81 of the Code of Federal Regulations.

iii. A violation of any of the provisions of this Subsection 10.p. (related to additions to the herd) may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

q. *Usage of semen, embryos, germ plasm, urine, and other cervid by-products.* Semen, embryos, germ plasm, urine and other cervid by-products may be used in a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitoring Program if the following are met:

i. The donor animal is from a herd enrolled in the CWD Herd Monitoring Program, CWD Herd Certification Program, or an equivalent USDA, APHIS-approved out-of-state Herd Certification Program. The source herd shall not have a CWD-positive animal, CWD-suspect animal, or CWD-exposed animal at time of collection of the cervid by-product. The source herd shall not have CWD identified within the 60 months prior to collection.

ii. Out-of-state donor animals shall meet the same Tuberculosis and Brucellosis testing requirements as would be applicable if the donor animal, itself, was being imported.

iii. Records shall be maintained for 5 years from the date of receipt by the seller and buyer including (as applicable) collection date, animal identification including the official identification if available, with respect to the cervid from which the cervid by-product was collected, animal identification including the official identification if available, with respect to the cervid that received the cervid by-product, date of sale, the CWD status of the source premises, and both buyer and seller name, address and telephone number. If a donor animal is from outside the Commonwealth, records of negative Tuberculosis and Brucellosis testing shall also be maintained. Records shall demonstrate that semen, embryos, urine and other cervid by-products from CWD-positive, CWD-suspect, CWD-exposed and CWD-quarantined herds have been destroyed.

r. *Limitations on Intrastate Movement of Enrolled Cervids.* Farmed or captive CWD-susceptible cervids that are enrolled under the Herd Monitoring Program may be transported intrastate to destinations including hunting preserves, slaughter facilities, other Herd Monitoring Program participating herds or new premises obtaining cervids for the first time; only if all of the following requirements are fulfilled:

i. The cervid shall only be sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred to a person or entity that is currently enrolled in either the Herd Certification Program or the Herd Monitoring Program established by this General Quarantine Order.

ii. The identification requirements delineated in Subsection 10.j. (related to identification of subject animals) of this General Quarantine Order are followed and obeyed.

iii. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 10.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

iv. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 10.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

v. The herd addition requirements established under Subsection 10.p. (related to additions to the herd) of this General Quarantine Order are followed and obeyed.

vi. All other applicable intrastate movement requirements established by the Domestic Animal Law, its attendant regulations or an order of the Department are followed and obeyed.

s. *Bills of Sale.* All program participants shall create and have in their possession and shall keep as a part of their records for a period of five (5) years a bill of sale for each cervid purchased or sold. The bill of sale shall have information necessary to comply with the recordkeeping provisions of Subsection 9.l. (related to CWD herd certification program, ongoing movement of cervids recordkeeping and reporting requirements). For each cervid transferred by a means other than sale, including barter, lease, loan, exchange or otherwise, a written document of the transaction setting forth the type of transfer and the information required in the Bill of Sale shall be created. Such document shall be maintained as a part of the program participants file for a period of five (5) years. All documents required by this subsection shall be made available to the Department, its employees or agents, upon request.

t. *Noncompliance.* If a herd is enrolled in the mandatory CWD Herd Monitoring Program, and the program participant fails to meet the applicable requirements of this Order or the enrolled herd is not maintained in accordance with the applicable requirements of this Order, the Department may, as it determines is appropriate, take enforcement action. This action may be taken for violations such as failure to meet applicable mandatory testing requirements, animal identification requirements, reporting requirements, recordkeeping requirements or any other requirements imposed by this Order. Herd Monitoring Program participants found in violation of this Order shall be subject to imposition of such criminal

and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

11. *Participation in the Herd Certification Program or Herd Monitoring Program.* Any contrary provision of this Order notwithstanding, persons may voluntarily enroll farmed or captive cervids that are not CWD-susceptible cervids (example: reindeer) in either the Herd Certification Program or the Herd Monitoring Program.

12. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

13. *No Restriction on Further Action by the Department.* This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on imported cervids.

14. *Effective Date.* This Order is immediately effective upon publication in the *Pennsylvania Bulletin*, and shall remain in effect unless rescinded or modified by subsequent order.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 13-1960. Filed for public inspection October 18, 2013, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 8, 2013.

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

### BANKING INSTITUTIONS

#### Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-31-2013	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	Approved

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-2-2013	<i>From:</i> Kishacoquillas Valley National Bank of Belleville Belleville Mifflin County  <i>To:</i> Kish Bank Belleville Mifflin County  Application for approval to convert from a National banking association to Pennsylvania State-chartered bank.	Filed

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-3-2013	Quaint Oak Bancorp, Inc. Employee Stock Ownership Plan and Trustee John J. Augustine and Diane J. Colyer  Application for approval to acquire up to 24.9% of the common stock of Quaint Oak Bancorp, Inc. Southampton, the parent bank holding company of Quaint Oak Bank, Southampton.	Filed
10-3-2013	Robert T. Strong and Kathleen M. Strong  Application for approval to acquire up to 24.9% of the common stock of Quaint Oak Bancorp, Inc. Southampton.	Filed

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-25-2013	PeoplesBank, A Codorus Valley Company Glen Rock York County	3160 Carlisle Road Dover York County	Opened
10-3-2013	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1109 East Baltimore Pike Kennett Square Chester County (Limited Service Facility)	Approved
10-3-2013	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1660 East Street Road Kennett Square Chester County (Limited Service Facility)	Approved
10-3-2013	Mifflin County Savings Bank Lewistown Mifflin County	108 East Main Street Allensville Mifflin County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-1-2013	Butler Armco Employees Credit Union Butler Butler County	107 College Drive Butler Butler County	Opened

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1961. Filed for public inspection October 18, 2013, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2013**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of November, 2013, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.38 to which was added 2.50 percentage points for a

total of 5.88 that by law is rounded off to the nearest quarter at 6%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1962. Filed for public inspection October 18, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Intent to Apply for Patent on Vacant Lands**

The Commonwealth of Pennsylvania, acting by and through the Department of Conservation and Natural Resources (Department), Bureau of Forestry, intends to acquire vacant land as provided in 68 Pa.C.S. Chapter 61 (relating to vacant and unimproved public lands).

The Commonwealth intends on claiming and patenting three tracts of land, two of which are situated in Granville Township, Mifflin County and one in Milford Township, Juniata County. The tracts are 206.45 acres of vacant, unimproved mountain ground, more particularly described as follows.

*Tract A*

Beginning at an existing stone pile, the pile of stones being the westernmost corner of the vacant tract herein described, also the corner being the northeast corner of the Jacob Barr warrant.

Thence, North 54° 15' 57" East along the Philip Minehart warrant 1,165.79 feet to a set rebar and stones along the David Rutter warrant line, the corner being the northern most corner of the vacant tract.

Thence, South 34° 03' 54" East along the David Rutter warrant 1,093.52 feet to a set rebar and stones, the corner being the eastern most corner of the vacant tract.

Thence, South 52° 05' 04" West 826.59 feet to a set rebar and stones.

Thence, South 31° 57' 08" West 143.26 feet to a set rebar and stones.

Thence, South 49° 16' 16" West 191.76 feet to a set rebar and stones along the Jacob Barr Warrant line, the corner being the southernmost corner of the vacant tract.

Thence, North 34° 59' 07" West along the Jacob Barr warrant 1,195.71 feet to an existing stone pile, Point of Beginning.

*Tract B*

Beginning at a set rebar and stones, the corner being the northernmost corner of the vacant tract herein described, also the corner being along David Rutter Warrant line.

Thence, South 34° 03' 54" East along the David Rutter warrant 4,634.17 feet to a set rebar and stones along the David Rutter warrant line, the corner being the eastern most corner of the vacant tract.

Thence, South 52° 03' 15" West 1,074.27 feet to an existing stone pile, the corner being the southernmost corner of the vacant tract, also being corner of the William Mayberry and Jacob Barr warrants.

Thence, North 35° 02' 17" West along the Jacob Barr warrant 919.02 feet to an existing stone pile.

Thence, North 34° 59' 07" West along the Jacob Barr warrant 3,652.47 feet to a set rebar and stones.

Thence, North 49° 16' 16" East 191.76 feet to a set rebar and stones.

Thence, North 31° 57' 08" East 143.26 feet to a set rebar and stones.

Thence, North 52° 05' 04" East 826.59 feet to a set rebar and stones, Point of Beginning.

*Tract C*

Beginning at an existing stone pile, the corner being the northwestern corner of the vacant tract, also being the corner of the William Mayberry and Jacob Barr warrants.

Thence, North 52° 03' 15" East 1,074.27 feet to a set rebar and stones along the David Rutter warrant line.

Thence, South 34° 03' 54" East along the David Rutter warrant 1,839.77 feet to a point, the corner being the southern corner of the David Rutter warrant.

Thence, North 14° 50' 41" East along the David Rutter warrant 1,634.88 feet to an existing stone pile, the corner being along the Frederick Mathews warrant line.

Thence, South 35° 01' 48" East along the Frederick Mathews warrant 667.61 feet to an existing stone pile, the corner being a corner to the Frederick Mathews and William Reese warrants.

Thence, South 37° 19' 55" West along the William Reese warrant 210.14 feet to an existing rebar.

Thence, South 37° 05' 47" West by same 1,661.08 feet to an existing stone pile.

Thence, South 36° 59' 17" West by same 561.73 feet to an existing stone pile, corner being the southernmost corner of the vacant tract, also being corner of the William Reese warrant.

Thence, North 34° 24' 11" West along the William Mayberry warrant 2,145.89 feet to existing stone pile, Point of Beginning.

As is the policy of the Department, the public is notified of the Commonwealth's intent to acquire the vacant lands. A 30-day period for public inquiry or comment, or both, will be in effect beginning October 12, 2013, and ending November 2, 2013. Oral or written comments or questions concerning this transaction may be addressed to Dan Devlin, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-4837. Oral and written comments will become part of the official document used in the final decision process.

ELLEN FERRETTI,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1963. Filed for public inspection October 18, 2013, 9:00 a.m.]

### Retention of Underwater Diving Consultants; Project Reference No. FDC-500-400

The Department of Conservation and Natural Resources (Department) will retain underwater diving consultants for open-end contracts for the underwater inspection, maintenance and repair of hydraulic structures for dams owned and operated by the Bureau of State Parks and the Bureau of Forestry. The contracts will be for a 12-month period with four 12-month extensions possible. Inspections and maintenance and repair projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities.

Typical inspection services work will consist of the inspection of control tower structures and intake structures and their appurtenances including sluice gates, trash racks, valves, ladders, pipe conduits, and the like. Each field inspection shall be supplemented by a written inspection report, narrated underwater video and an electronic version. The electronic version shall be compatible with the Department's computer system.

Typical maintenance and repair projects will consist of debris removal from sluice gates, pipe conduits and trash racks; silt removal at intake structures; stop log removal and installation; sluice gate and valve adjustment and repair; installation and repair of trash racks; application of underwater coatings; concrete repairs; and injection grouting and crack repair.

Letters of Interest for this project will only be accepted from individuals, firms or corporations who are certified professional divers having been trained in the inspection, maintenance and repair of hydraulic structures. If an individual, firm or corporation not authorized to engage in the inspection, maintenance and repair of hydraulic structures desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation who is trained in the inspection, maintenance and repair of hydraulic structures.

Section 105.53 of 25 Pa. Code (relating to inspections by permittees or owners and inspection reports) details the conditions and requirements of inspections and their corresponding reports that are to be prepared for submission to the Department of Environmental Protection, Bureau of Waterways Engineering, Division of Dam Safety.

## PART I

### GENERAL REQUIREMENTS

*I-1. Diving and Inspection Requirements. Specific Requirements are:*

A. All divers shall be certified professional divers. All diving operations shall be performed in accordance with the latest revisions of the Association of Diving Contractors Consensus Standards for Commercial Diving Operations and the OSHA Commercial Diving Regulations (1910 OSHA Subpart T) in conjunction with the United States Navy Diving Manual.

B. The consultant dive team shall be trained and experienced in the inspection, maintenance and repair of hydraulic structures. The dive team shall consist of a minimum of four- to five-person dive crews dependent on the complexity of the inspection or the maintenance and repair project. The dive team shall have an effective blend of diving and engineering expertise and be knowledgeable in the inspection, repair and maintenance of the structural and nonstructural components of a dam. The dive team shall be familiar with concrete intake structures, sluice gates, trash racks, gate valves, concrete conduits, outlet pipes, and the like.

C. Firms shall be responsible for providing their own equipment for the field inspections and maintenance and repair work. Firms shall provide all necessary materials including access and handling equipment to perform the work in a safe and workmanlike manner.

D. All diving to be performed will be surface-supplied air diving. Divers shall be equipped with helmets with two-way communication. Continuous two-way voice communication shall be provided between all divers and the surface crew at all times.

E. The dive consultant shall upon notification be able to respond to a site within 24 hours. In the event of an emergency, as perceived by the Department, the dive consultant may be required to mobilize in a shorter period of time.

F. The underwater inspection shall be supplemented by a written report of the observations made. The inspection report shall include descriptions, locations, measurements and sketches for each inspection performed. The inspection report shall document all areas of deterioration,

voids, damage, and the like, discovered during the inspection. Four copies of the inspection report shall be submitted to the Department. Each dam inspection shall be submitted as a separate report.

G. The inspection report shall also include a compact disc or DVD of the entire inspection to document typical conditions encountered and areas of distress. The video inspection equipment shall be equipment useful and required to view and record underwater inspections as clear pictures. Narration of the inspection shall be included on the video. Four copies of the video inspection shall be submitted along with four copies of the written inspection report for each dam. Only one dam inspection shall be included on each disc or DVD. All discs or DVDs shall be clearly marked with the name of the dam and the inspection date.

*I-2. Addenda to the Request for Proposals (RFP).* If the Department deems it necessary to revise any part of this RFP before the proposal response date, the issuing office will post an addendum to the Department web site at <http://www.dcnr.state.pa.us>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

*I-3. Small Diverse Business Information.* The offering firm must be a self-certified Small Business/Small Diverse Business verified by the Department of General Services (DGS), Bureau of Small Business Opportunities (BSBO).

A Small Diverse Business is a DGS-verified minority-owned business, woman-owned business, veteran-owned business or service-disabled veteran-owned business.

A small business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this Program can be directed to Department of General Services, Bureau of Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, [gs-bsbo@pa.gov](mailto:gs-bsbo@pa.gov), [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

*Note:* Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of small diverse business status or entitle an offeror to receive credit for small diverse business utilization.

*I-4. Notification of Selection.* Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected offeror.

*I-5. Type of Contract.* The type of contract as a result of this RFP shall be an open-end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department.



**PART II****PROPOSAL REQUIREMENTS**

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the proposal.

*II-1. Letter of Interest.* Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS web site at <http://www.dgs.state.pa.us>, choose from the menu on left margin: "Construction and Public Works," then "Project Administration," then "Professional Selections," then "Forms."

*II-2. Number of Copies.* Six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on November 14, 2013. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or readvertise solicitation for this service, or both.

*II-3. Small Diverse Business Participation Submittal.* Offeror must include proof of Small Business/Small Diverse Business qualification in the submittal of the proposal, as indicated as follows:

A Small Business/Small Diverse Business verified by DGS, BSBO as a Small Business/Small Diverse Business must provide a photocopy of their verification letter.

*II-4. Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

**PART III****CRITERIA FOR SELECTION**

*III-1. Selection Criteria.* The underwater consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Professional qualifications, experience and technical competence of personnel proposed to perform the assignment. Evaluation will consider relevant past experience, education, training, registration, certification and longevity with the firm. Evaluation shall include familiarity with OSHA Commercial Diving Regulations and the Association of Diving Contractors Standards.

B. Record of satisfactory performance by the firm on similar assignments. This record shall establish the ability to properly manage the project in terms of costs, quality control and performance schedules. Names and telephone numbers of references shall be included.

C. Specialized experience with specific application to dams in this Commonwealth.

D. Available manpower to perform the services required.

E. Understanding of problem as demonstrated in the letter of interest.

F. Equitable distribution of contracts.

G. Offerer is a self-certified Small Business.

To be eligible for selection for this project the Offerer firm must be a self-certified Small Business/Small Diverse Business verified by the GS, BSBO. Refer to Part I, I-3.

*III-2. Number of Contracts.* The number of Open-End Contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

It is the intent of the Department to select multiple firms for projects to be assigned on a regional basis.

**PART IV****MAILING AND CONTACT INFORMATION**

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, P.E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451 Harrisburg, PA 17105-8451. Contact Edward Raptosh at (717) 783-3329 for general information concerning the underwater inspection and maintenance and repair work.

ELLEN M. FERRETTI,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1964. Filed for public inspection October 18, 2013, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<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>
PA0052744 (Sewage)	Concordville Hotel STP 780 Baltimore Pike Concordville, PA 19331	Delaware County Concord Township	Unnamed Tributary to West Branch Chester Creek (3-G)	Y

*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>
PA0052132 (Sewage)	Parkland School District Orefield Mid School STP 2675 Pa Route 309 Orefield, PA 18069	Lehigh County South Whitehall Township	Jordan Creek (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0261190 (Sew)	Tiger Properties 4 East High Street Carlisle, PA 17013	Cumberland County / North Middleton Township	Conodoguinet Creek / 7B	Y
PA0041491 (Sew)	Berks Properties, Inc. 3613 Seisholtzville Road Hereford, PA 18056	Berks County / Longswamp Township	UNT of Swabia Creek / 3E	Y
PA0027952 (Sew)	HMS Host PO Box 8 Middletown, PA 17057	Lebanon County / South Londonderry Township	UNT of Conewago Creek / 7G	Y
PA0261254 (Sew)	Tim Logue 3256 Beans Cove Road Clearville, PA 15535	Bedford County / Southampton Township	Wildcat Run / 13A	Y
PA0088790 (IW)	The York Water Company 130 East Market Street PO Box 15089 York, PA 17405-7089	York County / York Township	East Branch Codorus Creek / 7-H	Y
PA0010502 (IW)	Letterkenny Army Depot 1 Overcash Avenue Building 14 Chambersburg, PA 17201-4150	Franklin County / Greene Township	Rowe Run / 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0115207 (Sewage)	Orangeville Borough End Of Pine Street Orangeville, PA 17859	Columbia County Orangeville Borough	Fishing Creek (5-C)	Y
PA0209589 (Sewage)	Girard Township Sewage Plant Bald Hill Station Road Le Contes Mills, PA 16850-0036	Clearfield County Girard Township	Bald Hill Run (8-C)	Y

*Southwest Region: Water Management 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 #)</i>	<i>EPA Waived Y/N</i>
PA0096121 Sewage	Joe Walker Elementary School 2510 Park Avenue Washington, PA 15323	Washington County South Franklin Township	Chartiers Creek	Y
PA0093432 Sewage	Pleasant Valley Service Center 300 Pleasant Valley Road Connellsville, PA 15425	Fayette County Bullskin Township	Unnamed Tributary to Mounts Creek	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>
PA0239046 (Industrial Waste)	Ridgway Powdered Metals (3 Miles East of Ridgway on US Route 120) P.O. Box 398 Ridgway, PA 15853	Elk County Ridgway Township	Elk Creek (17-A)	Y

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

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

**PA0029297**, Sewage, SIC Code 8052, **PA DPW South Mountain Restoration Center**, 10058 South Mountain Road, South Mountain, PA 17261-0900. Facility Name: South Mountain Restoration Center. This existing facility is located in Quincy Township, **Franklin 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), Rocky Mountain Creek, is located in State Water Plan watershed 13-C and is classified for High Quality Waters—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 0.395 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>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen (Interim)	XXX	XXX	5.0	XXX	XXX	XXX
(Final)	XXX	XXX	5.5	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	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 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

<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>
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report			Report	
Total Nitrogen		Report			
Total Phosphorus	Report			Report	
Total Phosphorus		Report			

\* The compliance date for reporting Annual Total Nitrogen and Annual Total Phosphorus will begin on 10/1/2014. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by October 28, 2015. This facility is required to monitor and report for Total Nitrogen and Total Phosphorus from the effective date of the permit until September 30, 2014.

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.

**PA0083721**, Sewage, SIC Code 4952, **Thomas S. Rodas, Paradise Mobile Home Park**, 1190 Wyndsong Drive, York, PA 17403-4492. Facility Name: Paradise Mobile Home Park. This existing facility is located in Paradise 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, Unnamed Tributary of Beaver 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 0.020 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual	Minimum	Average Monthly		
Flow (MGD)	Report	Report Daily	XXX	XXX	XXX	XXX
		Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.03	XXX	0.09
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	15	XXX	30
Nov 1 - Apr 30	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
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrate-Nitrite as N (lbs/year)	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		
Total Nitrogen (lbs/year)	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
Total Kjeldahl Nitrogen (lbs/year)	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		
Total Phosphorus (lbs/year)	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		

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 Region: Regional Clean Water Program Manager; 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0229211**, SIC Code 2869, **PA Grain Processing LLC**, 250 Technology Drive, Clearfield, PA 16830-2663. Facility Name: Clearfield Borough Plant. This proposed facility is located in Clearfield Borough, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.267 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Halogen	XXX	XXX	XXX	0.2	0.5	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Total Aluminum	XXX	XXX	XXX	4.0	8.0	XXX
Total Iron	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese	XXX	XXX	XXX	XXX	XXX	1.0
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are:

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are:

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are:

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Disposal of Sludge.
- Using Approved list of Chemical Additives.
- Stormwater Outfalls Maintenance and inspection.
- No net addition of pollutants to non-contact cooling water.

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

The EPA Waiver is in effect.

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*Southwest Region: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000*

**PA0043524**, Sewage, SIC Code 6513, **Simpson Manor Associates**, 3 E Stow Road, Marlton, NJ 08053. Facility Name: Hunters Ridge Apartments STP. This proposed facility is located in Redstone Township, **Fayette County**.

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

The receiving stream(s), Unnamed Tributary to Dunlap Creek, is located in State Water Plan watershed 19-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 0.03 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly	Daily Maximum	
Flow (MGD)	0.03	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.15	XXX	0.35
(Final)	XXX	XXX	XXX	0.07	XXX	0.15

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Daily Maximum	
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
BOD <sub>5</sub>						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
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
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The EPA Waiver is in effect.

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

**PA0026387**, Sewage, SIC Code 4952, **Saint Marys Municipal Authority**, PO Box 1994, Saint Marys, PA 15857-5994. Facility Name: St Marys WWTP. This existing facility is located in Saint Marys, **Elk 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, Elk Creek, is located in State Water Plan watershed 17-A and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.31 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily	XXX	XXX	XXX	XXX
		Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6	XXX	XXX	XXX
CBOD <sub>5</sub>	900	1,440	XXX	25	40	50
Total Suspended Solids	1,080	1,620	XXX	30	45	60
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		
UV Intensity (µmhos/cm)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	86	XXX	XXX	2.4	XXX	4.8
Nov 1 - Apr 30	259	XXX	XXX	7.2	XXX	14.4
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	5.5	XXX	XXX	0.154	XXX	0.31
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	0.003	XXX	0.007

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

This discharge shall consist of uncontaminated stormwater runoff from the sewage treatment plant site.

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

- Federal Pretreatment Program
- Solids Management
- Annual Whole Effluent Toxicity testing requirement
- Stormwater Best Management Practices

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.

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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. 5113401**, Sewage, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor, Philadelphia, PA 19107-2994.

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

Description of Action/Activity: Secondary treatment bypass to provide primary treatment and disinfection for wet weather flows up to 650 mgd.

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

**WQM Permit No. 3613201**, CAFO, **Rohrer Dairy Farm, LLC**, 124 Charlestown Road, Washington Boro, PA 17582-9669.

This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of an existing heifer barn and slurrystore with a new heifer barn with underneath storage at their existing dairy farm.

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

**WQM Permit No. WQG01621301**, Sewage, **Robert J. Cooper**, 162 Egypt Hollow Road, Warren, PA 16365.

This proposed facility is located in Glade Township, **Warren County**

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. 6176401**, Sewage, Transfer No. 1, **Rocky Ridge Village LLC**, 172 Oak Grove Circle, Franklin, PA 16323.

This existing facility is located in Sandycreek Township, **Venango County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit from Castle Haven Inc. to Rocky Ridge Village LLC.

**WQM Permit No. WQG01251315**, Sewage, **Roberta A. Davis**, 14452 Depot Street, Mill Village, PA 16427.

This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01201304**, Sewage, **Stephanie R. & William J. Burger**, P.O. Box 225, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG01251316**, Sewage, **Donald C. Hoover**, 2540 Avis Drive, Harborcreek, PA 16421.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. 3708401**, Sewage, Amendment No. 1, **Mahoning Township Lawrence County**, US Route 224, Box 99, Hillsville, PA 16132.

This existing facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to existing WQM permit.

**WQM Permit No. WQG01251317**, Sewage, **Norman Green**, 6505 Wyoming Avenue, Mayview, NY 14757.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01251318**, Sewage, **Timothy G. Shuttleworth**, 8210 Franklin Road, Girard, PA 16417.

This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.



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**IV. NPDES Applications for Stormwater Discharges from MS4**


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

**PAI130546, MS4, County of Chester**, 313 Market Street Suite 5402, West Chester, PA 19380-0991. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in West Chester Borough, **Chester County**. The receiving stream(s), East Branch Brandywine Creek, Pocopson Creek, Schuylkill River, Stony Run, Unnamed Stream, Unnamed Tributary of Brandywine Creek, Unnamed Tributary of Chester Creek, Unnamed Tributary to Pocopson Creek, Unnamed Tributary to Schuylkill River and Valley Creek, is located in State Water Plan watershed 3-D, 3-G and 3-H and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Trout Stocking, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is not in effect.

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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513022	JMP Malvern Associates, LP 450 Plymouth Road Plymouth Meeting, PA 19462	Chester	East Whiteland Township	Little Valley Creek EV

*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>
PAI033613009	Elam M. Beiler 51 Esbenshade Road Ronks, PA 17572	Lancaster	Drumore Township	UNT Fishing Creek (HQ, CWF)

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


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PAG-12	CAFOs
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## STATE CONSERVATION COMMISSION

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Country View Family Farms New Hope Sow Farm 23177 Back Road Concord, PA 17217	Franklin	29 0 for manure application	2,715.95	Swine	NA	Renewal
Henry & Kathy Hershey 135 Herr Drive Peach Bottom, PA 17563	Lancaster	140.8	391.22	Broiler / Dairy	HQ	New
Kerek Musser 2604 Hossler Road Manheim, PA 17545	Lancaster	189.2	937.03	Layers	None	Renewal
Smiling Porker Farms 676 Graanger Lane Morris, PA 16938	Lycoming (barns and cropland) and Tioga (cropland)	452	537.49	Swine- grow to finish	Hughes Run—HQ, Cold Water Fishery	Renewal
Jonathan Stauffer Farm 3535 Old State Road Leck Kill, PA 17836	Northumberland	10	258.26	layers	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 1913501—Construction Public Water Supply.**

Applicant	<b>Lehet Village</b>
[Township or Borough]	Sugarloaf Township
County	<b>Columbia</b>
Responsible Official	Richard S. Lehet, Owner Lehet Village 5116 SR 487 Benton, PA 17814
Type of Facility	Public Water Supply
Consulting Engineer	Benjamin Lee Shull, P.E. Navarro & Wright Consulting Engineers, Inc. 151 Reno Avenue New Cumberland, PA 17070
Application Received	10/2/13
Description of Action	Installation of a new well, disinfection facilities, finished water storage tank, water booster system and connection of the new well to the existing distribution system to serve 28 mobile homes.

**Application No. 4113507—Construction Public Water Supply.**

Applicant	<b>Williamsport Municipal Authority</b>
[Township or Borough]	South Williamsport Borough
County	<b>Lycoming</b>

Responsible Official	Charles A. Hauser, P.E. Director of Engineering 253 West Fourth Street Williamsport, PA 17701
Type of Facility	Public Water Supply
Consulting Engineer	David M. Swisher, P.E. Herbert, Rowland & Grubic, Inc. 474 Windmere Drive, Suite 100 State College, PA 16801
Application Received	10/3/13
Description of Action	Construction of a 500,000 gal. ground-level finished water storage tank south of West Mountain Ave. A disinfection facility to boost chlorine residual will also be constructed at the tank site. A booster station to fill the water storage tank will be constructed at the site of the existing East 7th Ave. pump station. Distribution piping will also be constructed as part of this project.

#### MINOR AMENDMENT

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

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

#### Application No. 2093502-MA2, Minor Amendment.

Applicant	<b>Guys Mills Mutual Water Association</b>
Township or Borough	Randolph Township
Responsible Official	William Collins
Type of Facility	Public Water Supply
Consulting Engineer	Mark J. Corey, P.E. Mark J. Corey Associates P.O. Box 268 Harborcreek, PA 16421
Application Received Date	September 23, 2013
Description of Action	Operational changes for system compliance.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to

use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**CVS at 3002 Marietta Avenue**, Lancaster, PA, East Hempfield Township, **Lancaster County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of Centerville Development Company, 200 Old Forge Lane, Suite 201, Kennett Square, PA 19348, submitted a Notice of Intent to Remediate site soils contaminated with heating oil from an underground storage tank. The site will be remediated to the Residential Statewide Health standard. Future use of the site is a retail pharmacy. The Notice of Intent to Remediate was published in the *Intelligencer Journal-Lancaster New Era* on September 17, 2013.

**DORMA USA, Inc.**, Dorma Drive, Reamstown, PA 17567, East Cocalico Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of DORMA USA, Inc., Dorma Drive, Drawer AC, Reamstown, PA 17567, submitted a Notice of Intent

to Remediate groundwater contaminated with chlorinated solvents and VOCs as a result of historical plant operations. The site will be remediated to the Site-Specific standard. The applicant is a participant in the DEP/EPA One Cleanup Program MOA. Future use of the site remains commercial / industrial. The Notice of Intent to Remediate was published in the *Intelligencer Journal-Lancaster New Era* on September 29, 2013.

### 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 Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

#### Renewal Applications Received

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. PA-HC 0015. Received on July 1, 2013.

**Advanced Disposal Services Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824-5016. License No. PA-HC 0199. Received on July 29, 2013.

**University of Pittsburgh—of the Commonwealth System of Higher Education**, Public Safety Building Floor 4, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Received on September 6, 2013.

**S.H. Bio-Waste, Ltd.**, 104 G P Clement Drive, Collegeville, PA 19426. License No. PA-HC 0096. Received on September 17, 2013.

### MUNICIPAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM027D001. Evergreen Recycling Solutions, LLC**; 11 Dunder Road, Suite 210; Springfield, NJ 07081-3513; Site: 110 Evergreen Avenue, Newark, NJ 07114-1125. The application is for a determination of applicability under General Permit WMGM027 for the beneficial use of alternative fuel produced by the processing of construction and demolition waste, wood, paper, cardboard, plastic, polymers, rubber, textiles and synthetic fibers, and carpet. The application was deemed administratively complete on September 24, 2013.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1916*

**General Permit Application No. WMGM027. Program I.D. WMGM027-NE002. Renewable Fuel, Inc.**, 3 Bala Plaza East, Suite 117, Bala Cynwyd, PA 19004. A General Permit Determination of Applicability (DOA) for the processing of paper, cardboard, wood and plastic into an alternative fuel for the cement industry at a site located on Horwith Drive in Northampton Borough, **Northampton County**. The application for DOA was approved on October 1, 2013.

Persons interested in reviewing the general permit may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

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

**46-0172D: Gemalto, Inc.** (101 Park Drive, Montgomeryville, PA 18936) for installation of a new Sakurai Screen Press at an existing facility in Montgomeryville, **Montgomery County**. The primary pollutant of concern is volatile organic compound (VOC) emissions from the inks and solvents to be used in the operation of this press. Gemalto is categorized as a synthetic minor facility. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**39-00100A: PPL Services Corp.** (Two North Ninth Street, Allentown, PA 18101) for a plan approval to modify their hours of operation from their existing three diesel fired emergency generators, which are currently permitted under a GP9 operating permit. The hours of operation from each of the engines will be limited to no more than 499 hours/year at the Windsor facility in Upper Macungie Township, **Lehigh County**. The Department's review of the information submitted by PPL indicates that the proposed engines will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for visible emissions. The engines are subject to 40 CFR Part 63 Subpart ZZZZ. The engines are subject to 40 CFR Part 60 Subpart IIII requirements. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The CO emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. The SO<sub>2</sub> emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. Total PM emissions from the facility will not equal or exceed 100 TPY,

based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

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

**14-00002O: Graymont (PA), Inc.** (194 Match Factory Place, Bellefonte, PA 16823) an application for plan approval for replacement of the burner in the rotary dryer associated with the pulverized limestone system (PLS) located in Spring Township, **Centre County** at the Pleasant Gap plant. The replacement burner proposal will not significantly affect the level of potential to emit from the rotary dryer. The new burner unlike the old burner will be capable of firing natural gas, in addition to the previously authorized No. 2 fuel oil. The combustion of the natural gas typically results in a decrease level of potential to emit compared to No. 2 fuel oil. The increased level of potential to emit associated with firing the new natural gas fuel is estimated be 0.01 tpy and 0.08 tpy for nitrous oxide (N<sub>2</sub>O) and methane emissions, respectively. On a CO<sub>2</sub>e basis, the level of potential to emit for GHG emissions from the new burner is less than the old burner when the new burner fires natural gas. The level of potential to emit for the other NSR regulated pollutants like NO<sub>x</sub> (expressed as NO<sub>2</sub>), SO<sub>x</sub> (expressed as SO<sub>2</sub>), carbon monoxide (CO), PM<sub>10</sub>, PM<sub>2.5</sub> and lead are not reportedly going to increase over the existing level of potential to emit from the old burner. This proposal is for replacement of burner only, and the level of potential to emit from the new burner will not exceed the level of potential to emit from the old burner except as noted above. The Department has established based on the level of potential to emit from the new burner best available technology (BAT) for the multi-fuel burner replacement proposal as follows: low-NO<sub>x</sub> burner installation as well as operate and maintain the new low-NO<sub>x</sub> burner consistent with good combustion practices. The Department's existing BAT requirements for the old burner satisfy BAT for the new burner. The new multi-fuel rotary dryer burner installation proposal is being performed at a major stationary source and a Title V facility.

Based on the above, the Department intends to issue a plan approval in order to process the above referenced application. The facility will continue to be a major (Title V) facility and a major stationary source for New Source Review (NSR) including nonattainment NSR for NO<sub>x</sub> emissions. The facility does not have the potential to emit major source levels (equal to or greater than 50 tpy) for volatile organic compounds (VOC). Centre County is designated as a moderate nonattainment area because Pennsylvania is included in the northeast Ozone Transport Region pursuant to the Clean Air Act. If the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V Operating Permit 14-00002 via an administrative amendment.

The following are the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to 25 Pa. Code § 123.1, no person may permit the emission into the outdoor atmosphere of fugitive air contaminants from a source other than the following:

- Construction or demolition of buildings or structures;
- Grading, paving and maintenance of roads and streets;
- Use of roads and streets (Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets);
- Clearing of land;
- Stockpiling of materials;
- Open burning operations.

2. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the particulate matter concentration of the exhausts of the rotary dryer fabric collector (Control Device ID C310R) and the process fabric collector (Control Device ID C310P) shall not exceed 0.01 grain per dry standard cubic foot.

3. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the opacity of the exhausts of the rotary dryer fabric collector (Control Device ID C310R) and the process fabric collector (Control Device ID C310P) shall not exceed five percent, by Method 9, at all times.

4. Pursuant to 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of sulfur oxides, from the rotary dryer in a manner that the concentration of sulfur oxides, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

5. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub> emissions from the rotary dryer shall not exceed 0.20 pound per MMBtu of heat input.

6. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from the rotary dryer shall not exceed 0.17 pound per MMBtu of heat input.

7. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer is capable of being fired on no. 2 fuel oil and natural gas. In addition, propane can be used for ignition purposes.

8. [Additional authority for this permit condition is also derived from the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12]

(a) The sulfur content of the No. 2 fuel oil fired in the rotary dryer shall not exceed 0.2% by weight and, shall not contain any reclaimed or waste oil or any other waste materials.

(b) The sulfur content of the natural gas fired in the rotary dryer shall not exceed the maximum specification provided in the plan approval application, 5 grains per 100 scf.

(c) The only material that shall be stored in the 12,000 gallon storage tank of Source ID P310 shall be No. 2 fuel oil.

9. Within 180 days of startup of the rotary dryer after the burner replacement installation is completed, the permittee shall perform stack testing on the exhaust of the rotary dryer to verify compliance with the NO<sub>x</sub> and CO emission limitations required herein while firing natural gas and No. fuel oil. The stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) or with portable exhaust gas analyzers approved by the Department. Testing shall be performed while the dryer is operating at a minimum of 90% of the rated throughput capacity and 100% of the rated burner capacity for each fuel that is permitted herein.

10. (a) Pursuant to 25 Pa. Code § 139.3, at least 60 calendar days prior to commencing a EPA reference method performance testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(b) Pursuant to 25 Pa. Code § 139.3, at least 15 calendar days prior to commencing an emission performance testing program, notification as to the date and time of testing shall be given to the North Central Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

(c) Pursuant to 40 CFR Part 60.8(a), 40 CFR Part 61.13(f) and 40 CFR Part 63.7(g), complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of an EPA reference method performance test program.

(d) Pursuant to 25 Pa. Code § 139.53(b) a complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or noncompliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:

1. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.
2. Permit number(s) and condition(s) which are the basis for the evaluation.
3. Summary of results with respect to each applicable permit condition.
4. Statement of compliance or non-compliance with each applicable permit condition.

(e) Pursuant to 25 Pa. Code § 139.3, all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(f) All performance testing shall be conducted in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

(g) Pursuant to 25 Pa. Code § 139.53(a)(1) and (a)(3) all submittals, besides notifications, shall be accomplished through PSIMS\*Online available through <https://www.depgreenport.state.pa.us/ecommm/Login.jsp> when it becomes available. If internet submittal cannot be accomplished, two (2) copies of the submittal shall be sent to the Pennsylvania Department of Environmental Protec-

tion, North Central Regional Office, Air Quality Program Manager, 208 West Third Street, Suite 101, Williamsport PA, 17701 with deadlines verified through document postmarks.

(h) The permittee shall insure all federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between the applicable state and federal law, the most stringent provision, term, condition, method or rule shall be used by default.

11. The permittee shall install and maintain instrumentation to continuously measure the pressure drop across each fabric collector (Control Device IDs C310R and C310P) to assure proper operation of each fabric collector and to determine the need for filter replacement and filter cleaning.

12. The permittee shall measure, at least once each month, during source operation, the exhaust opacity of each fabric collector (Control Device IDs C310R and C310P), by Method 9.

13. All information generated to comply with the recordkeeping requirements established herein shall be retained for a minimum of five years and made available to the Department upon request.

14. The permittee shall keep records of the Method 9 opacity measurements and resulting averages and any corrective actions taken if the average opacity exceeds five percent.

15. The permittee shall record the pressure drop across each fabric collector (Control Device IDs C310R and C310P) at least once each week, and shall record the corrective actions taken if the pressure drop is outside the fabric collectors' normal operating differential pressure ranges.

16. The permittee shall keep records of all maintenance performed on the rotary dryer and dryer burner.

17. The permittee shall obtain and keep fuel oil certification reports from the fuel oil supplier for each delivery of no. 2 fuel oil to be used in the rotary dryer showing that each delivery of no. 2 fuel oil does not contain sulfur in excess of 0.2% by weight.

18. The permittee shall obtain and keep a valid tariff sheet, transportation contract, etc from the natural gas supplier showing that the fuel delivered for rotary dryer use does not contain sulfur in excess of 5 grains per 100 scf.

19. The permittee shall keep records of the date and time of each flushing and sweeping of paved roadway(s) leading to the PLS.

20. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate the rotary dryer and associated burner with good combustion and maintenance practices in accordance with the burner manufacturer's specifications.

21. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep and maintain an operable water truck onsite to flush and sweep the paved roadway(s) leading to the PLS at a reasonable frequency to prevent particulate matter from becoming airborne.

22. The permittee shall keep on hand spare fabric collector bags in order to immediately replace any bags that are torn or deteriorated.

23. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall pave all unpaved portions of road leading to the PLS location.

24. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the air compressors supplying air to the fabric collectors (Control Device IDs C310R and C310P) shall be equipped with an air dryer and oil trap.

25. The PLS is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The permittee shall comply with all applicable requirements specified in 40 CFR 60.670—60.676.

26. Based on stack testing performed pursuant to 14-00003F, Compliance Assurance Monitoring (CAM) is an applicable regulatory requirement to the PLS process and Control Device IDs C310R and C310P. The permittee has prepared and submitted a CAM plan to the Department. The Department will incorporate the final approved CAM plan at the time when the PLS is incorporated into TVOP 14-00002. The final approved CAM plan will be subject to 30-day public review period for comment. The final approved CAM plan shall be established pursuant to 40 CFR Part 64.

27. Issuance of an operating permit for the PLS is contingent upon all sources being constructed, all air cleaning devices being installed and all sources and air cleaning devices being maintained and operated as described in the plan approval and supplemental materials submitted for this application, and in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein, as well as in compliance with all requirements specified in, or established pursuant to, all applicable rules and regulations contained in Article III of the Rules and Regulations of the Department of Environmental Protection.

28. Source ID P310 is a pulverized limestone system (PLS) with a maximum rated throughput capacity of 400 tons per hour, consisting of the following equipment:

- One rotary dryer capable of firing No. 2 fuel oil and natural gas at a rated heat input of 10 MMBtu/hr, each (propane can used for ignition purposes);

- One 12,000 gallon no. 2 fuel oil storage tank;

- Three storage silos (two at 500 tons and one at 200 tons capacity);

- One process surge bin (200 tons capacity);

- One hammermill (grinder);

- One mechanical separator;

- Three bucket elevators;

- Various conveying equipment;

- One screen;

- Four truck loadouts.

29. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the rotary dryer shall be controlled by a MAC 120 Model LST 114 fabric collector (Control Device ID C310R). ID C310R is designated as 535-PDC-118. In addition, the air contaminant emissions from the PLS shall be controlled by an IAC Model 120TB-BHWT-182:S6 (or equivalent\*) fabric collector (Control Device ID C310P) with dust pickups at the

following points as specified in the plan approval application and supplemental materials:

- Underground conveyor 535-BEC-010
- Underground conveyor 535-BEC-010 to screw conveyor 535-SCC-016 (also controls screw conveyor 535-SCC-016 to rotary dryer transfer)
- Loadouts 535-LSP-014, 208, 222 and 224
- The following equipment groupings, based on interconnected enclosures:
  - Group 1—2,400 cfm:
    - mechanical separator 353-SEP-204 (pickup point at top of separator)
    - bucket elevator 535-ELE-200 (pickup point at discharge end)
    - screw conveyor 535-SCC-116
    - screw conveyor 535-SCC-114
    - hammermill 535-HAM-212
  - Group 2—2,700 cfm:
    - silos 535-SIL-222 (pickup point at top of silo)
    - silos 535-SIL-208
    - silos 535-SIL-224
    - screw conveyor 535-SCC-206
    - screen 535-IVS-210
    - screw conveyor 535-SCC-214
    - bucket elevator 535-ELE-216
    - multi-position gate 535-MPG-220
  - Group 3—1,200 cfm:
    - bucket elevator 535-ELE-110
    - process surge bin 535-SIL-112 (pickup point at top of surge bin)

\* Any equivalent make or model fabric collector shall be designed in accordance with the specifications included in the plan approval application and supplemental materials.

30. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, all conveyors, the three bucket elevators, the mechanical separator, the screen, the hammermill, the three silos, the surge bin the four truck loadouts and the interconnections between this equipment shall be fully enclosed (except for entrance and exit) and sealed such that particulate matter does not leak from the enclosed equipment and interconnections.

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.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (Plan Approval No.

14-000020) and concise statements regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**32-00432A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201-9642) for installation of a coal screening processing plant at their Coral Graceton Coal Prep Plant in Center Township, **Indiana County**. This is a minor facility Plan Approval application submittal.

**63-00986A: Red Glen Energy, LLC** (301 Oxford Valley Road, Suite 1604A, Yardley, PA 19067) for installation of a new 15MW+ electric generating station in Chartiers Township, **Washington County**. This is a minor facility Plan Approval application submittal.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**16-132J: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16254) for modification of operating permit conditions associated with the destruction efficiency of the Scrubber & RTO in Paint Township, **Clarion County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 16-132J is for the modification of operating permit conditions associated with the destruction efficiency of the Scrubber & RTO. This project will result in projected actual emissions of 94.89 tpy for VOC which is currently their limit. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- The total volatile organic compound (VOC) emissions shall not exceed the following:
- RTO Outlet (including 1st and 2nd Stage Dryers, 3rd Stage Fiber Conditioning System, Press emissions): 22.92 #/hr or 94.89 tpy based on a consecutive 12-month period
- The emissions from the outlet of the RTO shall not exceed the following:



- PM: 8.0 #/hr and 33.1 tpy based on a consecutive 12-month period
  - NO<sub>x</sub>: 46.0 #/hr based on a rolling 24-hour average and 113.9 tpy based on a consecutive 12-month period
  - CO: 44.0 #/hr and 182.2 tpy based on a consecutive 12-month period
- When the inlet VOC concentration is above 100 ppmv, as propane, the RTO will destroy or convert at least 95% of the incoming gaseous, non-methane volatile organic compounds. When the inlet VOC concentration is below 100 ppmv as propane, the outlet non-methane VOC concentration will not exceed 5 ppmv as propane. Compliance will be shown by testing from the inlet of the RTO to the outlet of the RTO using Method 25A. [This streamlined permit condition replaces the following condition from Plan Approval 16-132H: The minimum destruction efficiency through the RTO shall be 95%. Compliance will be shown by testing from the inlet of the RTO to the outlet of the RTO.]
- The following condition from Plan Approval 16-132H will be deleted: The minimum destruction efficiency through the combination Scrubber/RTO shall be 90%. Compliance will be shown by testing from the inlet of the scrubber to the outlet of the RTO.
- Conditions from the facility operating permit 16-00132 revised on January 27, 2012, remain in effect unless modified by this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-132J] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

### OPERATING PERMITS

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

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

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

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Collegeville, PA 19426) for renewal of the Title V Operating Permit for their corporate, subsidiary, and regional management offices in Upper Providence Township, **Montgomery County**. Wyeth Pharmaceuticals is a major facility for nitrogen oxide (NO<sub>x</sub>) emissions. The facility is comprised of five (5) dual-fired boilers and nine (9) diesel-fired emergency electric generators. The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The permit will include monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00923: Energy Systems North East LLC—North East Cogeneration Plant** (Pepeco Holdings, Inc., 630 Martin Luther King Jr. Blvd., Wilmington, DE 19801) to reissue the Title V Operating Permit and the Phase II Acid Rain Permit for each of the affected units at their facility in North East Township, **Erie County**. The facility generates electricity for sale to the electric grid using two natural gas-fired turbines, each equipped with duct burners. The CO emissions are controlled by CO catalysts. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit NO<sub>x</sub> and CO emissions. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**15-00054: Highway Materials—Malvern** (680 North Morehall Road, Malvern, PA 19355) for renewal of a State Only, Synthetic Minor Operating Permit in East Whiteland Township, **Chester County**. The facility operates a Hot Mix Asphalt Plant at this site. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO<sub>x</sub>

emissions to less than 13.15 tons per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**45-00021: Pocono Medical Center** (206 East Brown Street, East Stroudsburg, PA 18301-3094) for operation of boilers and emergency generators at their facility in East Stroudsburg Borough, **Monroe County**. This is a renewal of a State-only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03076: Martin Limestone, Inc.** (PO Box 550, Blue Ball, PA 17506-0550) for their limestone crushing plant in East Earl Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility employs wet suppression and several baghouses to control particulate matter (PM) emissions from limestone crushing and handling. The crushing plant includes equipment subject to 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The facility has the potential to emit an estimated 45 tons per year of particulate matter emissions. Actual operating hours and emissions are well below maximum levels.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. William R. Weaver, Air Quality Program Manager, may be contacted

at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**63-00546: Sherwood Valve LLC** (2200 North Main Street, Washington, PA 15069) to issue a State Only Operating Permit (SOOP) to authorize the continued operation of their metal valve and pipe fitting manufacturing facility in the Chartiers Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to authorize the continued operation of their metal valve and pipe fitting manufacturing facility located in the Chartiers Township, Washington County.

The facility consists of several lathes, grinders, small acid tanks, rinse tanks; two debury machines and a small scrubber. This facility has the potential to emit 1 ton per year of PM<sub>10</sub> and 1 tons per year of VOCs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Arrangements may be made to review the application at our offices. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may written comments to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226 (bhatch@pa.gov). A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify OP-63-00546), and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

**63-00886: All Clad Metalcrafters, LLC** (424 Morganza Road, Canonsburg, PA 15317) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to All Clad to authorize the continued operation of their clad metal sheet stock and cookware manufacturing plant located in Canonsburg, **Washington County**.

The facility consists of furnaces, presses, punches, lathe machines, polish & grind units and some small dip tank. It has several baghouses to control emissions of particulate matter (PM). This facility has the potential to emit 4.5 ton per year of PM<sub>10</sub>, 4.07 ton per year of NO<sub>x</sub> and

2.95 ton per year of VOCs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Arrangements may be made to review the application at our offices. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may written comments to Barbara Hatch, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226 (bhatch@pa.gov). A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify OP-63-00886), and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**N13-011: PECO Main Office Building** (2301 Market Street, Philadelphia, PA 19103) for operation of an office building equipped with building support equipment, an electric transmission system control room, a cafeteria, a parking area, and a fuel island for filling company vehicles in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 800 kW emergency generators burning diesel, one (1) 250 kW emergency generator burning diesel, one (1) 155 kW fire pump burning diesel, one (1) 8,000 gallon gasoline storage tank/pump equipped with a Stage II vapor recovery system, and one (1) 6,000 gallon gasoline storage tank/pump equipped with a Stage II vapor recovery system.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## PLAN APPROVALS

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

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**48-00101A: Airlite Plastic Co.** (2860 Bath Pike, Nazareth, PA 18064-8898) for construction and operation of expanded polystyrene foam (EPS) molding equipment capable of processing 2,000 lb/hr expandable polystyrene beads. Only VOC emissions will be generated from this operation and will be less than 50 TPY on a 12-month rolling sum for their facility in Upper Nazareth Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Airlite Plastic Company, (2860 Bath Pike, Nazareth, PA 18064-8898) for their facility in Upper Nazareth Township, Northampton County.

Plan Approval No. 48-00101A is for the construction and operation of expanded polystyrene foam (EPS) molding equipment capable of processing 2000 lb/hr expandable polystyrene beads. Only VOC emissions will be generated from this operation and will be less than 50 TPY on a 12-month rolling sum.

The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00101A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Debbie Ferenci)*

**03991301 and NPDES No. PA0235407. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Logansport Mine in Armstrong Township, **Bethel County** to revise the water handling plan to reroute NPDES outfalls to the Allegheny River. Allegheny River, classified for the following use: WWF. The application was considered administratively complete on October 3, 2013. Application received September 18, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 32130105 and NPDES No. PA0269239. Bedrock Mines LP**, 111 Freeport Road, Pittsburgh, PA 15215, commencement, operation and restoration of a bituminous surface and auger mine in Washington Township, **Indiana County**, affecting 66.5 acres. Receiving stream: South Branch Plum Creek, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 14, 2013.

The applicant is requesting a wetland encroachment since the proposed mining will impact 0.169 acre of wetland. The applicant will mitigate the wetland impacts by converting Sediment Pond "A" to a wetland pond to 0.467 acre of wetland after mining is completed. The application also includes a request for a Section 401 Water Quality Certification.

**Permit No. 32020106 and NPDES No. PA0249271. Britt Energies, Inc.**, P.O. Box 515 Indiana, PA 15701, permit renewal for the reclamation only of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 274.5 acres. Receiving streams: unnamed tributaries to Yellow Creek and unnamed tributaries to Tearing Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received September 3, 2013.

**Permit No. 56980103 and NPDES No. PA0234699. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, permit renewal for the reclamation only of a bituminous and auger mine in Lincoln and Jenner Townships, **Somerset County**, affecting 138.0 acres. Receiving stream: UTs Quemahoning Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 6, 2013.

**Permit No. 32080102 and NPDES No. PA0262595. Britt Energies, Inc.**, P.O. Box 515 Indiana, PA 15701, permit renewal for the reclamation only of a bituminous surface mine in Pine Township, **Indiana County**, affecting 85.2 acres. Receiving stream: Leonard Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received September 20, 2013.

**Permit No. 56823033 and NPDES No. PA0607541. Croner, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 126.6 acres. Receiving streams: unnamed tributaries to/and Blue Lick Creek and unnamed tributaries to/and Swamp Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2013.

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

**10930111 and NPDES Permit No. PA0211834. JMW Enterprises, Inc.** (P.O. Box 282, Acme, PA 15610) Renewal of an existing bituminous surface and auger mine in Washington Township, **Butler County** affecting 115.5 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek, classified for the following

uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 2, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**40930102R4. Glenn O. Hawbaker, Inc.**, (1952 Waddle Road, Suite 203, State College, PA 16803), renewal of an existing anthracite surface mine operation in Hazle and Butler Townships, **Luzerne County** affecting 688.0 acres, receiving stream: Little Nescopeck Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: September 4, 2013.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**25820301. Ray Showman Jr. Excavating, Inc.** (P.O. Box 646, Waterford, PA 16441) Transfer of an existing large industrial minerals mine from Frank Tucci in McKean Township, **Erie County** affecting 61.0 acres. Receiving streams: Unnamed tributary to Elk Creek, classified for the following uses: CWF & MF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 30, 2013.

#### **MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

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

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

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

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

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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

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

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

*Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Debbie Ferenci)*

**NPDES No. PA0214132 (Mining Permit No. 03841302), Canterbury Coal Company**, (c/o West Virginia Resources, PO Box 278, Gallipolis, OH 45631). A renewal to the NPDES and mining activity permit for NPDES and mining activity permit for the David/Dianne Mine in Kiskiminetas Township, **Armstrong County** for reclamation only. Surface Acres Affected 139.7, Underground Acres Affected 12,391.7. Receiving stream: Tributary to Long Run, classified for the following use: WWF. Kiskiminetas-Conemaugh River Watersheds TMDL. Roaring Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. Unnamed Tributary to Carnahan Run, classified for the following use: WWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on June 10, 2003. Application received May 20, 2003.

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.

*Outfall 001* discharges to: UNT Long Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 33' 59" Long: 79° 27' 05") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	1.52	-
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	0.9	1.8	2.5
Aluminum	(mg/l)	0.75	1.5	1.9
Total Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	50	50

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 002* discharges to: UNT Long Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 34' 16" Long: 79° 26' 34") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	1.52	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	2.5
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	50	50
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

**NPDES No. PA0092142 (Mining Permit No. 32803712), Keystone Coal Mining**, (PO Box 219, 400 Overview Drive, Shelocta, PA 15774). A renewal to the NPDES and mining activity permit for the Lewisville Recovery Plant in Young and Black Lick Townships, **Indiana County** for reclamation and water treatment. Surface Acres Affected 295.0. Receiving stream: Coal Run, classified for the following use: TSF. Kiskiminetas-Conemaugh River Watershed TMDL. Aultmans Run, classified for the following use: TSF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on July 20, 2010. Application received June 9, 2010.

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.

*Outfall 002* discharges to: Coal Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 31' 40" Long: 79° 18' 10") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.08	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	3.0
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 004* discharges to: Aultmans Run

The proposed effluent limits for *Outfall 004* (Lat: 40° 1' 37" Long: 79° 17' 18") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.08	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	3.0
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 005* discharges to: Aultmans Run

The proposed effluent limits for *Outfall 005* (Lat: 40° 31' 35" Long: 79° 17' 15") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.08	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	3.0
Aluminum	(mg/l)		0.75	1.5	1.9

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	100	125
Sulfates	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**NPDES No. PA0262609 (Mining permit no. 56080102), Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, renewal of an NPDES permit for surface mining including blasting in Shade Township, **Somerset County**, affecting 343.8 acres. Receiving streams: Miller Run, Unnamed Tributary to Hinson Run and Unnamed Tributary to Shade Creek, classified for the following use: cold water fisheries. These receiving streams are included in the TMDL for the Kiskiminetas-Conemaugh River Watershed. Application received July 24, 2013.

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

The treated wastewater outfalls listed below discharge to Miller Run and unnamed tributaries to Hinson Run and Shade Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
003	N
004	N

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

<i>Outfalls: 001, 003, and 004 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times.			

The stormwater outfalls listed below discharge to Miller Run and unnamed tributaries to Hinson Run and Shade Creek.

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

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

<i>Outfalls: 005, 006, 007 and 008 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0234591 (Mining permit no. 11970106), Laurel Sand and Stone, Inc.**, P.O. Box 556, 210 East Main Street, Ligonier, PA 15658 renewal of an NPDES permit for surface mining activities in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving streams: Unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinkston Run; and Bracken Run, classified for the following use: cold water fisheries. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received December 3, 2012.

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

The stormwater outfalls listed below discharge to: Unnamed tributary to South Branch Blacklick Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
006	N



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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall listed below discharges to: Unnamed tributary to Bracken Run

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0234877 (Mining permit no. 56980107), AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650, revised NPDES permit for a bituminous surface mine in Milford Township, **Somerset County**, affecting 222.1 acres. Receiving stream: Casselman River, classified for the following use: Warm Water Fishery. This receiving stream is included in the Casselman River TMDL. Application received: August 25, 2013.

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

The treated wastewater outfall listed below discharge to Casselman River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
011	N

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**NPDES No. PA0269247 (Mining permit no. 44030301), Glen O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803, new NPDES permit for limestone quarry in Armagh Township, **Mifflin County**, affecting 48.0 acres. Receiving stream: Honey Creek, classified for the following use: high quality cold water fishery. Application received: September 20, 2013.

All treatment and stormwater facilities will be addressed through non-discharge alternatives. There will be no point source discharges for this mining permit.

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

**NPDES No. PA0258440 (Permit No. 10070303). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Butler County**, affecting 57.3 acres. Receiving streams: Unnamed tributary to Wolf Creek and unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: August 26, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Wolf Creek and unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
AB	N
BB	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to unnamed tributary to Wolf Creek and unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				90

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-447. PPL Corporation—PPL Electric Utilities,** Two North 9th Street, Allentown, PA 18101, in Dreher Township, Lehigh Township, Paupack Township, Salem Township, Sterling Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District, (Lakeville, PA Quadrangle: Lat: 41° 28' 2.2"; Long: -75° 15' 56.7").

To construct and maintain the following water obstructions and encroachments associated with the North Pocono-Paupack Transmission Line project:

1. (S-136a) a temporary 20-foot wide access road crossing of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 20' 21.89"; Longitude: -75° 20' 45.95")
2. (S-150) a temporary 20-foot wide access road crossing of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 21' 55.57"; Longitude: -75° 21' 32.85")
3. (S-195a) a temporary 20-foot wide access road crossing of Unnamed Tributary to Purdy Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 26' 43.62"; Longitude: -75° 16' 35.09")

4. (S-195b) a temporary 20-foot wide access road crossing of Unnamed Tributary to Purdy Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 26' 41.56"; Longitude: -75° 16' 34.49")

5. (S-NP5b) a temporary 20-foot wide access road crossing of Lehigh River (EV, MF) in Lehigh Township (Latitude: 41° 15' 29.71"; Longitude: -75° 25' 37.23")

6. (S-120) a temporary 20-foot wide access road crossing of Unnamed Tributary to Butternut Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 18' 31.92"; Longitude: -75° 25' 51.65")

7. (S-151) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 22' 10.65"; Longitude: -75° 21' 27.19")

8. (S-156) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 22' 56.54"; Longitude: -75° 20' 55.02")

9. (S-168) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 23' 20.47"; Longitude: -75° 19' 24.94")

10. (S-170) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 23' 47.73"; Longitude: -75° 18' 46.34")

11. (S-181) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 24' 31.13"; Longitude: -75° 17' 4.79")

12. (S-184) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 25' 0.42"; Longitude: -75° 16' 30.39")

13. (S-NP3a) a temporary 20-foot wide access road crossing of wetlands within the watershed of the West fork Lehigh River (EV, MF) in Sterling Township (Latitude: 41° 16' 23.99"; Longitude: -75° 25' 59.85")

14. (S-NP5a) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Lehigh River (EV, MF) in Lehigh Township (Latitude: 41° 15' 11.78"; Longitude: -75° 25' 23.99")

15. (W-127a) a temporary 20-foot wide access road crossing of wetlands within the watershed of Butternut Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 19' 0.17"; Longitude: -75° 22' 52.67")

16. (W-132) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 19' 45.30"; Longitude: -75° 21' 4.06")

17. (W-149) a temporary 20-foot wide access road crossing of wetlands within the watershed of West Branch Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 21' 41.54"; Longitude: -75° 21' 31.90")

18. (W-163) a temporary 20-foot wide access road crossing of wetlands within the watershed of Ariel Creek

(HQ-CWF, MF) in Sterling Township (Latitude: 41° 23' 15.96"; Longitude: -75° 19' 56.42")

19. (W-175) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Ariel Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 24' 22.28"; Longitude: -75° 18' 16.78")

20. (W-176) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 24' 30.16"; Longitude: -75° 18' 9.56")

21. (W-180) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 24' 32.44"; Longitude: -75° 17' 16.26")

22. (W-188a) a temporary 20-foot wide access road crossing of wetlands within the watershed of Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 25' 48.06"; Longitude: -75° 16' 19.32")

23. (W-188b) a temporary 20-foot wide access road crossing of wetlands within the watershed of Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 25' 44.88"; Longitude: -75° 16' 19.58")

24. (W-203) a temporary 20-foot wide access road crossing of wetlands within the watershed of Purdy Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 27' 11.01"; Longitude: -75° 16' 31.27")

The project will temporarily impact 1.83 acres of wetland and permanently impact 0.09 acre of wetland.

The aerial electrical crossings for this project are waived in accordance with Section 7(a) of the Dam Safety and Encroachments Act and the provisions of Section 105.12(a)(3) of Chapter 105 Rules and Regulations, Dam Safety and Waterway Management, as amended on October 12, 1991.

The project begins within the woods approximately 0.80 miles north of the intersection of Freytown Road and Gas Hollow road (Sterling, PA Quadrangle: Lat: 41° 18' 32"; Long: -75° 26' 37.42") and ends approximately 1.3 miles northwest of the intersection of Route 590 and Hoadleys Road (Lakeville, PA Quadrangle: Lat: 41° 28' 2.2"; Long: -75° 15' 56.7").

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

**E17-484. Stoltz Realty Partnership**, 820 Beaver Drive, DuBois, PA 15801. Stoltz expansion to include a third dealership along Beaver Drive, City of DuBois, **Clearfield County**, ACOE Pittsburgh District (Luthersburg Quadrangle; Latitude 41° 7' 12.21" N; Longitude -78° 44' 19.51" W).

Stoltz Realty Partnership is proposing to add a third dealership to their existing facility along Beaver Drive in DuBois. The expansion will be between the existing dealerships and will require a portion of the wetland onsite to be filled. The remaining wetland will not be filled but will be utilized for temporary stormwater detention to meet the City's ordinance. The function and value of the remaining wetland is proposed to remain the same; however, since it will be used for stormwater management, the impact must be considered permanent.

<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Resource</i>	<i>Impact (acres)</i>
New building and parking lot	41° 7' 12.21" N	-78° 44' 19.51" W	Wetland	0.42
Stormwater Management	41° 7' 13.27" N	-78° 44' 22.34" W	Wetland	0.39

Compensatory mitigation for wetlands on this parcel has already occurred on the neighboring parcel owned by the City of DuBois. The existing and mitigation wetlands are hydrologically connected to Sandy Lick Creek, which has a Chapter 93 designation of Trout Stocking (TSF). As proposed, this project will not have a direct impact on Sandy Lick Creek.

**F19-012. Fishing Creek Township**, 3188 State Route 487, Orangeville, PA 17859. Floodplain encroachment demolition in Fishing Creek Township (1), **Columbia County**, US ACOE Baltimore District.

Fishing Creek Township is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following location.

781 Ridge Road, Orangeville, PA 17859-Stillwater Quadrangle, Lat.: 41° 7' 41" N, Long.: -76° 1' 49" W

**F41-002. County of Lycoming**, 48 West Third Street, Williamsport, PA 17701. Floodplain encroachment demolitions in Hepburn (1), Muncy Creek (1) and Old Lycoming Townships (1), **Lycoming County**, ACOE Baltimore District. Site/properties are as follows:

Hepburn Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following location.

497 Haleeka Road, Cogan Station, PA 17728-Cogan Station Quadrangle, Lat.: 41° 19' 42.3" N, Long.: -77° 05' 24.9" W

Muncy Creek Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following locations.

501 North Main Street, Muncy, PA 17756-Muncy Quadrangle, Lat.: 41° 13' 7.1" N, Long.: -76° 47' 4.73" W

Old Lycoming Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following location.

260 Cottage Avenue, Williamsport, PA 17701-Cogan Station Quadrangle, Lat.: 41° 15' 57.6" N, Long.: -77° 02' 30.8" W

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

**E0829-079: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 10 inch diameter natural gas line and a temporary timber mat bridge impacting 9,032 square feet of a

Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°37'31", Longitude: -76°13'02");

2. a 10 inch diameter natural gas line and a temporary timber mat bridge impacting 92 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°37'52", Longitude: -76°13'18");

3. a 10 inch diameter natural gas line and a temporary timber mat bridge impacting 15,976 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°38'20", Longitude: -76°13'09");

4. a 10 inch diameter natural gas line and a temporary timber mat bridge impacting 40 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) and impacting 6,777 square feet of an adjacent Palustrine Forested Wetland (Laceyville, PA Quadrangle, Latitude: 41°38'39", Longitude: -76°12'39");

5. a 10 inch diameter natural gas line and a temporary timber mat bridge impacting 40 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) (Laceyville, PA Quadrangle, Latitude: 41°39'10", Longitude: -76°12'32");

The project will result in 80 linear feet or 960 square feet of temporary stream impacts and 25,100 square feet (0.58 acre) of temporary PEM wetland impacts and 6,777 square feet (0.16 acre) of permanent conversion of a PFO wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County.

**E5929-044: SWEPI LP**, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Richmond and Covington Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a wood mat bridge impacting 1 square foot of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'51"N 77°05'03"W);

2) a 20 inch diameter and an 8 inch diameter natural gas gathering line and a 10 inch diameter and a 4 inch diameter fresh waterline impacting 194 linear feet of an unnamed tributary to Tioga River (CWF, MF) (Mansfield, PA Quadrangle 41°45'49"N, 77°04'58"W);

3) a 20 inch diameter and an 8 inch diameter natural gas gathering line and a 10 inch diameter and a 4 inch diameter fresh waterline impacting 1,620 square feet of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°45'49"N, 77°04'57"W);

4) a 20 inch diameter and an 8 inch diameter natural gas gathering line and a 10 inch diameter and a 4 inch diameter fresh waterline impacting 103 linear feet of the Tioga River (CWF, MF) (Mansfield, PA Quadrangle 41°45'48"N, 77°04'55"W);

5) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line, and a 10 inch diameter and a 4 inch diameter fresh waterline impacting 5,734 square feet of a palustrine scrub-shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'44"N, 77°04'40"W);

6) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line, and a 10 inch diameter and a 4 inch diameter fresh waterline impacting 65 linear feet of an unnamed tributary to Tioga River (CWF, MF) and 24,125 square feet of a palustrine emergent / scrub shrub (PEM/PSS) wetland (Mansfield, PA Quadrangle 41°45' 44"N, 77°04'29"W);

The project will result in 362 linear feet of temporary stream impacts and 31,480 square feet (0.723 acre) of temporary wetland impacts, all for the purpose of installing natural gas gathering lines, fresh waterlines, and associated access roadways in Covington and Richmond Township, Tioga County.

#### ENVIRONMENTAL ASSESSMENT

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

**EA08-007. Bradford County Conservation District**, 200 Lake Road, Suite E, Towanda, PA 18848. Camp Creek Stream Restoration Project in Wyalusing Township, **Bradford County**.

This project proposes to improve bank stability and sediment transport of a 275-foot reach of Camp Creek. Flooding at this location has caused excessive deposition, which has been causing significant bank erosion. The deposition will be rearranged to take pressure off the

eroding bank. This project proposes to permanently impact 275 linear feet of Camp Creek, which is classified as a Warm Water Fishery.

ACOE Baltimore District (Laceyville, PA Quadrangle N: 44°43'55"; W: -76°13'53").

**EA17-015. Lawrence Township Abandoned Mine Drainage Treatment Project**, west of Weber Road, Clearfield, PA 16830. Mon 30 Discharge, Montgomery Creek watershed, Pike Township, **Clearfield County**, ACOE Baltimore District (Clearfield Quadrangle; Latitude 41° 2' 24.3" N; Longitude -78° 30' 0.0" W).

Lawrence Township in association with the Clearfield County Conservation District and the Montgomery Run Watershed Association is proposing to construct a passive treatment system that will abate an abandoned mine drainage discharge (Mon 30) in the headwaters of an unnamed tributary to Montgomery Creek. As proposed, the system will capture the seepage in an equalization basin then pass through a vertical flow wetland, settling basin and polishing wetland. It will require 1,200 tons of limestone and should remove approximately 17 lbs. /day of acidity, 1 lb. /day of iron and 1 lb. /day of aluminum.

Mitigation for these impacts is a combination of the creation of a polishing wetland adjacent to the treatment system and downstream water quality improvement in the unnamed tributary to Montgomery Creek. Under current conditions, there is very limited aquatic life in the unnamed tributary and wetland due to acid mine drainage.

<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Resource</i>	<i>Impact / Temporary or Permanent</i>
AMD Interceptor Trench	41° 2' 24.3" N	-78° 30' 0.0" W	Wetland	0.08 ac./ Temporary
Mixing Basin	41° 2' 24.3" N	-78° 30' 0.0" W	Wetland	0.04 ac./ Permanent
Mixing Basin	41° 2' 24.5" N	-78° 29' 59.1" W	UNT	49 LF/ Temporary
Mixing Basin	41° 2' 24.5" N	-78° 29' 59.1" W	UNT	77 LF/ Permanent
AMD Interceptor Trench	41° 2' 21.4" N	-78° 30' 0.8" W	UNT	79 LF/ Temporary

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460*

**D26-126. Mr. and Mrs. Erjavec**, 125 Paradise Lane, Cardale, PA 15420. To modify, operate and maintain Paradise Lakes No. 1 Dam across a tributary to Dunlap Creek (WWF) for the purpose of removing the existing spillway and installation of new drop inlets. (New Salem, PA Quadrangle N: 15.1 inches; W: 1.75 inches) in Redstone Township, **Fayette County**.

**D26-127. Mr. and Mrs. Erjavec**, 125 Paradise Lane, Cardale, PA 15420. To modify, operate and maintain Paradise Lakes No. 2 Dam across a tributary to Dunlap Creek (WWF) for the purpose of removing the existing spillway and installation of a new drop inlet. (New Salem, PA Quadrangle N: 15.2 inches; W: 1.85 inches) in Redstone Township, **Fayette County**.

**D26-051. Mr. and Mrs. Erjavec**, 125 Paradise Lane, Cardale, PA 15420. To modify, operate and maintain Paradise Lakes No. 3 Dam across a tributary to Dunlap Creek (WWF) for the purpose of removing the existing spillway and installation of a drop inlet. (New Salem, PA Quadrangle N: 15.1 inches; W: 1.8 inches) in Redstone Township, **Fayette County**.

## ACTIONS

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

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

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

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

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

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

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

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

## **I. NPDES Renewal Permit Actions**

*Northeast 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>
PAS202205 (Storm Water)	Fabricated Components, Inc. 2044 West Main Street P.O. Box 431 Stroudsburg, PA 18360-0431	Monroe County Stroud Township	Little Pocono Creek and Pocono Creek (1-E)	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>
PA0247031 (CAFO)	Keystone Dairy Ventures LLC 324 Balance Meeting Road Peach Bottom, PA 17563-9507	Lancaster County Little Britain Township	Little Conowingo / 7K Y	
PAG123759 (CAFO)	David W. Sweigart Ridge View Farms 189 Ridge View Road South Elizabethtown, PA 17022	Lancaster County Mount Joy Township	UNT Conoy Creek / 7-G	Y

*Northcentral Region: 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>
PA0113778 (Sewage)	Pleasant View Estates MHP 6020 Fort Jenkins Lane Bloomsburg, PA 17815	Columbia County South Centre Township	Unnamed Tributary to Susquehanna River (5-D)	Y
PA0115363 (Sewage)	Mazeppa Village Sewer System STP 2188 Johnson Mill Road Lewisburg, PA 17837	Union County Buffalo Township	Unnamed Tributary to Mill Race (10-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210617 (Sewage)	Evergreen MHP Road 1 Mathews Road Edinburg, PA 16116	Lawrence County Mahoning Township	Unnamed Tributary to Shenango River (20-A)	Y

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

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

**NPDES Permit No. PA0026859**, Sewage, **Pennsylvania American Water Company**, Coatesville Administrative Building, 100 Cheshire Court, Coatesville, PA 19320.

This proposed facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Sewage from a facility known as Coatesville STP to West Branch Brandywine Creek in Watershed 3-H.

**NPDES Permit No. PA0056553**, Storm Water, **Allan A. Myers, LP dba Independence Construction Materials**, 638 Lancaster Avenue, Malvern, PA 19355.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Storm Water from a facility known as Devault Asphalt Plant to an Unnamed Tributary of Pickering Creek in Watershed 3-D.

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

**NPDES Permit No. PA0232351**, Industrial Waste, SIC Code 1389, **Eureka Resources LLC**, 451 Pine Street, Williamsport, PA 17701.

This proposed facility is located in Standing Stone Township, **Bradford County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated industrial wastewater.

**NPDES Permit No. PA0232327**, CAFO, SIC Code 0212, 0213, **Broc Troxell**, 250 Showers Road, New Columbia, PA 17856.

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

Description of Proposed Action/Activity: Authorization is for a 1498.56 AEU swine finisher CAFO consisting of 9600 swine, 25 cow calf pairs and 10 steers. The CAFO is situated near a UNT to the Susquehanna River in watershed 10-C classified for CWF. A release or discharge to waters of the Commonwealth under normal operation conditions is not expected. Normal operation conditions are defined as conditions below a 25-year, 24-hour storm event.

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

**NPDES Permit No. PA0043729**, Sewage, **Hampton Township**, 3101 McCully Road, Allison Park, PA 15101-1331

This existing facility is located in Hampton Township, **Allegheny County**

Description of Existing Action/Activity: Permit issuance for existing discharge of treated sewage.

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

**NPDES Permit No. PA0272582**, Sewage, Amendment No. 1, **Janelle V. Kerner & Timothy J. Hoderny**, 8275 Williams Road, North East, PA 16428.

This existing facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of existing NPDES permit for a Single Residence Sewage Treatment Plant.

**NPDES Permit No. PAS328308**, Storm Water, SIC Code 3273, **O-Tex Pumping, LLC**, 2916 Old Route 422 E, Fenelton, PA 16034. Facility Name: O Tex Pumping Fenelton Facility.

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

Description of Proposed Activity: Permit for a new NPDES permit for an existing discharge of Storm Water runoff.

The receiving stream, an Unnamed Tributary to the Buffalo Creek, is located in State Water Plan watershed 18-F and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

## 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. 1513404**, Sewage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355.

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

Description of Action/Activity: Installation of an 18" sanitary sewer to replace the existing 10" sanitary sewer.

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

**WQM Permit No. 4513401**, SIC Code 4952, **Tobyhanna Township Monroe County**, 105 Government Center Way, Pocono Pines, PA 18350.

This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action/Activity: Construction of a Pump Station and force main to service the proposed Kalahari Resort/ Conference Center/ Water Park and Pocono Manor Commercial Center, which will connect to the Pocono Township's Sewage Collection System. The wastewater will ultimately flow to the Brodhead Creek Regional Authority wastewater treatment plant in Stroudsburg.

**WQM Permit No. 4009405T-1**, SIC Code 4952, **Little Washington WW Co.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: Transfer of the Water Quality Management Permit 4009405A-1 from Eagle Rock Resort Company to Little Washington Wastewater Co. This is a low pressure sewage collection system for Laurel Valley and Highlands sections of Eagle Rock, Laurel Valley Pump Station No. 1 & 2, the Highlands Pump Station 1 plus the Butler and the Valley View Interceptors.

**WQM Permit No. 4009407T-1**, SIC Code 4952, **Little Washington WW Co.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: Transfer of an existing Water Quality Management Permit from Eagle Rock Resort Company to Little Washington Wastewater Co. for sewage collection and conveyance facilities in the Ridge View, Ridge View West, North Ridge, Valley View & JA East sections plus the Valley View Interceptor sewer.

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

**WQM Permit No. 0113201**, CAFO, **Mason Dixon Farms Inc.**, 1800 Mason Dixon Road, Gettysburg, PA 17325.

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

Description of Proposed Action/Activity: Permit approval for the construction / modification / operation of manure storage facilities consisting of rehabilitating the Cell #3 manure storage lagoon by installing an HDPE liner and cover with biogas recovery to make a 350' x 200' x 15' deep lagoon with leak detection and a rain water collection system. Also construction of a new 92' diameter concrete tank with cover for storage of the Solids Separator liquid effluent. The tank will include leak detection and diversion of clean rain water.

**WQM Permit No. 3613405**, Sewerage, **Lancaster City Lancaster County**, 120 North Duke Street, Lancaster, PA 17608.

This proposed facility is located in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction of a new Diversion Chamber to house deflection screens; construction of a new preliminary treatment building to include screening and grit removal systems; upgrade / modification to the existing North Pumping Station to expand its conveyance capacity from 26 mgd to 43 mgd; installation of a new surge tank, and replacement of the existing air vacuum and air release valves; construction of metering pit to measure flow from LASA/ELSA and Riverside Interceptor; installation of area velocity flow meter on the existing 120" combined sewer upstream of the existing Debris Chamber and magnetic flow meter on 36" force main from the North Pumping Station; construction of 36" to 120" pipes within the project area to convey flows to various treatment units.

*Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**WQM Permit No. 4910403 A-2**, Sewerage, SIC Code 4952, **Delaware Township Municipal Authority**, PO Box 80, Dewart, PA 17730-0080.

This existing facility is located in Watsontown Borough, **Northumberland County**.

Description of Proposed Action/Activity: Improvements to the Watsontown Borough Pump Stations; including, Ash Street, Matthew Street, and Woodland Avenue stations.

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

**WQM Permit No. WQG02101302**, Sewerage, **Slippery Rock Borough Municipal Authority**, 633 Kelly Boulevard, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Borough, **Butler County**.

Description of Proposed Action/Activity: Application to replace lift station serving Applewood Meadows.

**WQM Permit No. 2069405**, Sewerage, Amendment No. 2, **Keystone Utilities Group, Inc.**, 764 Bessemer Street, Suite 101, Meadville, PA 16335.

This existing facility is located in Greenwood Township, **Crawford County**.

Description of Proposed Action/Activity: Amendment to change the method of dechlorination from liquid sodium bisulfite to tablet dechlorination.



**WQM Permit No. WQG01251313**, Sewage, **David L. Clark**, 7233 Crane Road, Edinboro, PA 16412.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018856**, Sewage, Transfer No. 1, **Janelle V. Kerner & Timothy J. Hoderny**, 8275 Williams Road, North East, PA 16428.

This existing facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 4399407**, Sewage, Amendment No. 1, **Jamestown Borough Municipal Authority**, 406 Jackson Street, P.O. Box 188, Jamestown, PA 16134.

This existing facility is located in Jamestown Borough, **Mercer County**.

Description of Proposed Action/Activity: Addition of a 6,100 gallon sludge holding tank to list of existing treatment units.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI132205	Upper Macungie Township Lehigh County, 8330 Schantz Road, Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Haasen Creek, Iron Run and Schaefer Run / HQ-CWF and MF
PAI132207	Freemansburg Borough Northampton County, 600 Monroe Street, Freemansburg, PA 18017	Northampton	Freemansburg Borough	Nancy Run—HQ-CWF, Unnamed Tributary to Nescopeck—HQ-CWF, and The Lehigh River—WWF
PAI132220	Plainfield Township Northampton County, 6292 Sullivan Trail, Nazareth, PA 18064-9335	Northampton	Plainfield Township	Little Bushkill Creek and Unnamed Tributary of Little Bushkill Creek / HQ-CWF and MF
PAI132225	Northampton County, 669 Washington Street, Easton, PA 18042-7499	Northampton	N/A	Unnamed Tributary of East Branch Monocacy Creek HQ-CWF, MF and Delaware River WWF, MF
PAI132239	Lehigh County, 17 S 7th Street, Allentown, PA 18101-2400	Lehigh	Allentown City	Cedar Creek HQ-CWF, MF; Jordan Creek TSE, MF; Lehigh River WWF, MF; and Schaefer Run HQ-CWF, MF

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 5109006	Philadelphia Water Department 1101 Market Street, 2nd Floor Philadelphia, PA 19107	Philadelphia	City of Philadelphia	Lower Schuylkill Watershed WWF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023913003	Seedway, LLC 5901 Vera Cruz Road Emmaus, PA 18049	Lehigh	Upper Milford Township	Leibert Creek (HQ-CWF, MF); UNT to Hosensack Creek (CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026413002	Federal Bureau of Prisons 500 First Street NW Washington, DC 20534	Wayne	Canaan Township	Unnamed Tributary to Middle Creek (HQ-CWF)
PAI023912030	Devonshire Properties, LLC 1348 Hamilton Street Allentown, PA 18102	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033613005 Issued	Galen Nolt 222 Little Britain Church Rd. Peach Bottom, PA, 17563	Lancaster	Fulton Township	Puddle Duck Creek to Little Conowingo Creek (HQ-CWF, MF)
PAI033613006 Issued	Joshua Akers 562 Church Road Quarryville, PA 17566-9750	Lancaster	East Drumore Township	Tributary 07186 of Conowingo Creek (HQ-CWF)

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bristol Township Bucks County	PAG0200 0913020	Bristol Investors 14 Balligomingo Road Conshohocken, PA 19428	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG0200 0913052	Bristol Township School District 6401 Mill Creek Road Levittown, PA 19057	Unnamed Tributary/ Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Falls Township Bucks County	PAG0200 0913009	International Salt Company 655 Northern Boulevard Clarks Summit, PA 18411	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG0200 0903015-R	Pisani Builders 403 Applan Way Doylestown, PA 18901	Houghs Creek Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG0200 0911034-R	The David Culter Group, Inc. Apollo Road, Suite One Plymouth Meeting, PA 19462	Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0913050	Kenneth Doak 5841 Meetinghouse Road Pipersville, PA 18947	Cabin Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAG0200 0913043	County of Bucks/ Bucks County General Services 1265 Almshouse Road Doylestown, PA 18901	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 0913053	John Antonucci P. O. Box 447 Chalfont, PA 18914	North Branch Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0903046-R	Keystone Turf Club & Bensalem Racing Association 3001 Street Road Bensalem, PA 19020	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Southampton Township Bucks County	PAG0200 0913045	PF Feasterville, LLC 20 S. Olive Street, Suite 203 Media, PA 19063	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Caln Township Chester County	PAG0200 1513029	John Rock, Inc. 500 Independence Way Coatesville, PA 19320	Unnamed Tributary to Rock Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG0200 1508035-R	MGJAD Associates, L. P. 120-124 E. Lancaster Avenue Ardmore, PA 19003	East Branch Brandywine Creek and Unnamed Tributary to East Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511312	Solow RI, LP 410 University Drive, Suite 105 Newtown, PA 18940	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511318	Philadelphia Rodeph Shalom Synagogue 615 N. Broad Street Philadelphia, PA 19130	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Edwardsville Borough Luzerne County	PAG02004012027	Sunoco Partners Marketing & Terminals L.P. c/o Michael Slough 60 S. Wyoming Ave. Edwardsville, PA 18074-3102	Toby Creek (WWF, MF)	Luzerne County Conservation District 570-674-7991

## NOTICES

6273

*Facility Location:  
Municipality &  
County*City of Allentown  
Lehigh County*Permit No.*

PAG02003913010

*Applicant Name &  
Address*Allentown Terminals  
Corp. c/o Robert G. Bost  
P.O. Box 2621  
Harrisburg, PA 17015*Receiving  
Water / Use*Lehigh River  
(TSF, MF)*Contact Office &  
Phone No.*Lehigh County  
Conservation District  
610-391-9583*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,  
717.705.4802**Facility Location:  
Municipality &  
County*Palmyra Borough,  
Lebanon County*Permit No.*PAG02003813029  
Issued*Applicant Name &  
Address*Jason Mitchell  
415 Fallowfield Road  
Suite 301  
Camp Hill PA 17011*Receiving  
Water / Use*Quittapahilla Creek  
(TFS)*Contact Office &  
Phone No.*Lebanon Co  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
717.272.3908, Ext. 4Ephrata Borough,  
Lancaster CountyPAG02003611085R  
IssuedDutchmaid Motel INC  
222 North Reading Rd.  
Ephrata, PA 17522Cocalico Creek  
(WWF, MF)Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5Mount Joy  
Township,  
Lancaster CountyPAG02003613040  
IssuedEsbensshade Farms  
220 Eby Chiques Road  
Mount Joy, PA 17552Little Chiques Creek  
(TSF, MF)Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5Mount Joy  
Township,  
Lancaster CountyPAG02003613054  
IssuedJames Hershey  
338 Sunnyburn Rd.  
Elizabethtown, PA 17022Little Chickies Creek  
(TSF)Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5Rapho Township,  
Lancaster CountyPAG02003613055  
IssuedRandy Brubaker  
1908 Valley Road  
Manheim, PAUNT Brubaker Run  
(TSF, MF)Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5Paradise Township,  
Lancaster CountyPAG02003613062  
IssuedJohn L. Stoltzfus  
757 Strasburg Pike  
Strasburg, PA 17579Londonland Run  
(CWF)Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5Mount Pleasant,  
Adams CountyPAG02000107004R1  
IssuedThomas P. Gebhart  
200 Wheatland Drive  
Gettysburg, PA 17326Chicken Run (WWF)  
and UNT to White  
Run (WWF)Adams Co.  
Conservation District  
670 Old Harrisburg Rd,  
Suite 201  
Gettysburg, PA 17325  
717.334.0636Hamilton Township,  
Franklin CountyPAG02002813027  
IssuedFritz Single Lot  
Ryan Fritz  
17651 Ft. McCord Rd.  
Chambersburg, PA 17202

Dennis Crk (CWF)

Franklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499

<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>
Metal Township, Franklin County	PAG02002813028 Issued	McCartney Single Lots Michael McCartney 17800 Dry Run Road Dry Run, PA 17220	UNT to Conococheague Crk (CWF, MF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Greene Township, Franklin County	PAG02002811025R Issued	Shaine Stouffer 2185 Carbaugh Ave Chambersburg, PA 17201	Rowe Run (CWF, MF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Borough of Chambersburg, Franklin County	PAG02002813031 Issued	Memorial Park Guy Shaul 100 South Second Street Chambersburg, PA 17201	Conococheague Crk (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Antrim Township, Franklin County	PAG020028030381R Issued	Melrose Meadows Phase 3 Thomas Shook 12052 Grant Shook Road Greencastle, PA 17225	Paddy Run (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Montgomery Township, Franklin County	PAG02002813023 Issued	Holly Heights Greg McGee Oliver Homes 19733 Leitersburg Pike Hagerstown, MD 21742	UNT to Licking Crk (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<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>
Montgomery Township, Franklin County	PAG02002813024 Issued	Rosewood Manor Greg McGee Oliver Homes 19733 Leitersburg Pike Hagerstown, MD 21742	UNT to Licking Crk (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Cumru Township, Berks County	PAG02000611034R Issued	Alfred Picca, PennDOT 1002 Hamilton Blvd Allentown, PA 18101	Schuylkill River (WWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Patton Township Centre County	PAG02001413008	Berger Rental Communities PO Box 609 Southeastern PA 19399	UNT to Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Sullivan Township Tioga County	PAG02005913007	First Energy 76 S. Main Street Akron OH 44308	UNT to Corey Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
East Buffalo Township Union County	PAG02006013007	James Hostetler Bucknell University Lewisburg PA 17837	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*General Permit Type-PAG-3*

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County Carlisle Borough	PAR703523	Carlisle Coatings & Waterproofing Inc. PO Box 1349 Carlisle, PA 17013 <hr/> Carlisle Coatings & Waterproofing Inc. 1275 Ritner Highway Carlisle, PA 17013	Conodoguinet Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Bally Borough	PAR233510	Bally Block Company 30 South Seventh Street Bally, PA 19503	UNT to West Branch Perkiomen Creek / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR203554	Precision Custom Components LLC 500 Lincoln Street PO Box 15101 York, PA 17405-7101	Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County East St. Clair Township	PAR233536	Bedford Reinforced Plastics Inc. 264 Reynoldsdale Road Bedford, PA 15522-7401	Dunning Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR803561	UPS Ground Freight 1000 Semmes Avenue Richmond, VA 23224 <hr/> UPS Ground Freight 1601 Toronita Street York, PA 17402	Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York Township	PAR203558	Melrose Industries PLC ACCO Material Handling Solutions PO Box 792 76 Acco Drive York, PA 17405	UNT of Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County Carlisle Borough	PAR233522	Carlisle SynTec Inc. PO Box 7000 1295 Ritner Highway Carlisle, PA 17013	Conodoguinet Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Manchester Township	PAR323507	York Group Inc. 2880 Blackbridge Road York, PA 17402	Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Upper Leacock Township	PAR203575	Ross Technology Corporation 104 North Maple Avenue PO Box 646 Leola, PA 17540 <hr/> Ross Technology Corporation 98 East Main Street Leola, PA 17540	UNT to Mill Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<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>
York County York Township	PAR233553	Ecore International 76 Acco Drive York, PA 17403	UNT of Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County Lower Allen Township	PAR203626	Skyline Steel LLC 1250 St Johns Road Camp Hill, PA 17011	Cedar Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
West Deer Township Allegheny County	PAR606220	Timothy D. Phelps PO Box 12 Curtisville, PA 15032	Little Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Castle Shannon Borough Allegheny County	PAR806289	Matthews Bus Company 1112 First Avenue Clairton, PA 15025	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Chartiers Township Washington County	PAR206104	Dynamet Incorporated 195 Museum Road Washington, PA 15301	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Masontown Borough Fayette County	PAR316115	Appalachian Water Service, LLC 300 Cherrington Parkway Suite 200 Coraopolis, PA 15108-3171	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

<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>
Winslow Township Jefferson County	PAR608312	Daniel F. Kutsch d/b/a Wells Auto Wreckers 4510 Route 322, Reynoldsville, PA 15851-9765	Soldier Run 17-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Rome Township Crawford County	PAR248302	Penn-Sylvan International, Inc. 21792 State Highway 8 Centerville, PA 16404	Coon Run and an unnamed tributary to East Branch Oil Creek 16-E	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Bradford Township McKean County	PAR318304	Universal Well Services Inc. 124 Industrial Drive, Bradford, PA 16701	East Branch Tunungwant Creek 16-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin Township Erie County	PAG041124	David L. Clark, 7233 Crane Road, Edinboro, PA 16412	Unnamed Tributary to Cussewago Creek 16-D	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-6**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Rochester Borough Beaver County	PAG066133	Rochester Borough Sewer & Maintenance Authority PO Box 563 Rochester, PA 15074	Beaver River, McKinley Run & Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10**Southcentral Region: Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.**Facility Location  
& Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>	
Berks County Muhlenberg Township	PAG103560	Ergon Asphalt & Emulsions Inc. Reading Facility PO Box 1639 Jackson, MS 39215-1639	Laurel Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
City of Monessen Westmoreland County	PAG106168	Arcelormittal Monessen, LLC 345 Donner Avenue Monessen, PA 15062	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
West Wheatfield Township Indiana County	PAG106167	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	East Branch Richards Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
German Township Fayette County	PAG106166	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	Unnamed Tributary of Dunlap Creek & Unnamed Tributary of Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**Southcentral Region: Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County East Donegal Township	PAG123755 Amendment #1	Esbensshade Farms Maytown Farm 220 Eby Chiquies Road Mount Joy, PA 17552	UNT to Susquehanna River / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707



*Southwest Region: Clean Water 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>	<i>DEP Protocol (Y/N)</i>
PAG136353 Waiver	Cambria County 200 Center Street Ebensburg, PA 15931	Cambria	Ebensburg Borough	Little Paint Creek	N
PAG136324 Waiver	West Elizabeth Borough 800 Fourth Street PO Box 716 West Elizabeth, PA 15088	Allegheny	West Elizabeth Borough	Monongahela River	N
PAG136167 Waiver	Hunker Borough PO Box 350 Hunker, PA 15639	Westmoreland	Hunker Borough	Sewickley Creek	N
PAG136196 Waiver	Turtle Creek Borough 125 Monroeville Avenue Turtle Creek, PA 15145	Allegheny	Turtle Creek Borough	Turtle Creek	N

### 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>
Lynn Royer 273 Greentree Road Elizabethtown, PA 17022	Lancaster	284.5	854.75	Dairy / Poultry	NA	Approved
James Hershey 338 Sunnyburn Road Elizabethtown, PA 17022	Lancaster	381.7	747.45	Swine / Poultry	NA	Approved
Joe Jurgielewicz & Son, Ltd. 1016 Plum Creek Road Sunbury, PA 17801	Northumberland	60.2	80.1	Finishing ducks	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 sec-

tion 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this

notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### SAFE DRINKING WATER

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

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

<b>Permit No.</b>	<b>2088501-T1-MA7</b>	Public Water Supply
Applicant	<b>Meadville Area Water Authority</b>	
Township or Borough	City of Meadville	
County	<b>Crawford</b>	
Type of Facility	Public Water Supply	
Consulting Engineer	Thomas L. Thompson, P.E. Gannett Fleming, Inc. 554 South Erie Street Mercer, PA 16137	
Permit to Construct Issued	October 4, 2013	

### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

#### Notice of Proposed Interim Response

#### Bridge Road TCE Site, Skippack Township, Montgomery County.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at the Bridge Road Site, Skippack Township, Montgomery County, Pennsylvania.

The Department has been conducting an environmental investigation of the Site. This investigation includes the sampling of private drinking water supply wells located along portions of Bridge Road and Skippack Pike. To date, sampling has revealed that eight properties have levels of Trichloroethene (TCE) that exceed the respective Safe Drinking Water Act Maximum Contaminant Levels (MCLs).

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 proposes the installation of point-of-entry

treatment systems with restrictions on the use of groundwater at homes with TCE levels above MCLs. The Department proposes to maintain the treatment systems for a period of one year. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, supplying bottled water, and the extension and connection of a public waterline to affected residences. All alternatives with the exception of no action were combined with groundwater use restrictions.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the 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's office 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 Dennis Kutz at 484.250.5784 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the Skippack Township Municipal Building.

The administrative record will be open for comment from October 19, 2013 until January 17, 2014. Persons may submit written comments into the record during this time only, by sending them to Dennis Kutz Solid Waste Specialist at the Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by email at dkutz@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 on December 3, 2013 at 7:00 pm at the Skippack Township Building located at 4089 Heckler Road, Skippack, PA 19474. Individuals wishing to present comments must register by calling the Department's Community Relations Coordinator, Lynda Rebarchak, at 484.250.5820.

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 the Department's Community Relations Coordinator, Lynda Rebarchak, at 484.250-5820 or through 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Littonian Shoe Factory**, 31 Keystone Street, Littlestown Borough, **Adams County**. Kelly-Buck Company, 1048 Literary Road, Cleveland, OH 44114, on behalf of MasterBrand Cabinets, Inc., PO Box 420, Jasper, IN 47547-0420, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and VOCs. The report is intended to document remediation of the site to meet the Non-residential Statewide Health standard.

**Former Pfaltzgraff West York Facility**, 1857 West King Street, York, PA 17404, West York Borough and West Manchester Township, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033, on behalf of 128 Lucky, LLC, 1857 West King Street, York, 17404, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with lead. The combined report is intended to document remediation of the site to meet a combination of the Residential Statewide Health and Site Specific standards.

*Southwest Region: Environmental Cleanup & Brownfields Program Manager, 400 Waterfront Southwest Region: Drive, Pittsburgh, Pa 15222-4745*

**Former GM Stamping Plant**, West Mifflin Borough, **Allegheny County**. KU Resources, 22 South Linden Street, Duquesne PA 15110 on behalf of Michael J. Roberts, Mifflin, LLC, 1650 Des Peres Rd, Suite 303, St. Louis, MO 63131 has submitted a Risk Assessment and Cleanup Plan Remedial on September 26 2013. Environmental concerns include metal impacted soil and groundwater with hydraulic oils which have been released throughout the former manufacturing building.

## 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**David Weston Property**, 120 North School Lane, Lancaster, PA 17603, Lancaster Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Dr. David Weston, 120 North School Lane, Lancaster, PA 17603,

submitted a Final Report concerning remediation of site soils contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 30, 2013.

**Former F. L. Smithe Machine Company, Inc.**, Old Route 220, Duncansville, PA 16635, Blair Township and Duncansville Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Barry-Wehmiller Companies, Inc., 8020 Forsyth Boulevard, Saint Louis, MO 63105, submitted a Final Report for groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Background standard, and was approved by the Department on October 3, 2013.

**Former BP Terminal 4574**, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Reading Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The Final Report did not demonstrate attainment of the Site Specific standard, and was disapproved by the Department on October 3, 2013.

**Rutter's Farm Store 53 Diesel Spill**, 2215 Old Trail Road, Eppers, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404 and Response Environmental, Inc., 912 Spring Circle, Mechanicsburg, PA 17055, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on October 3, 2013.

**Gurish Residence**, 103 Slover Road, Mechanicsburg, PA 17055, Upper Allen Township, **Cumberland County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Frank and Debra Gurish, 103 Slover Road, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soil contaminated with kerosene. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on October 3, 2013.

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

**Villa Maria Community Center**, 225 Villa Maria Road, Pulaski Township, **Lawrence County**. Flynn Environmental, Inc., 5640 Whipple Avenue NW, Suite 1, North Canton, OH 44720, on behalf of Sisters of the Humility of Mary, 225 Villa Maria Road, Villa Maria, PA 16155, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Cumene, MTBE, Naphthalene, 1,2,4 Trimethylbenzene, and 1,3,5 Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 19, 2013.

**JMC Steel Group—Sharon Pipe Plant (fka John Maneely Company—Sharon Pipe Plant)**, 200 Clark Street, City of Sharon, **Mercer County**. TRC Environmental, 11231 Cornell Park Drive, Cincinnati, OH 45242,

& ENVIRON International Corporation, 1760 Market Street, Suite 100, Philadelphia, PA 19103, on behalf of JMC Steel Group, 1 Council Avenue, Wheatland, PA 16161, submitted a Final Report concerning the remediation of site soil contaminated with Antimony, Arsenic, Cadmium, Chromium (total), Lead, Mercury, Selenium, Zinc, Aroclor 1248, Aroclor 1254, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Dibenzofuran, Naphthalene, N-nitrosodi-n-propylamine, Ethylbenzene, Tetrachloroethene, Trichloroethene, Xylenes (total) and groundwater contaminated with Chloride, Nitrogen (Ammonia), pH, Sulfate, Aluminum, Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium (total), Chromium (III), Chromium (VI), Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Nitrate as N, Selenium, Thallium, Vanadium, Zinc, PCBs (total), Aroclor 1016, Aroclor 1242, Aroclor 1248, Aroclor 1254, Aroclor 1260, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Bis[2-ethylhexyl]phthalate, Chrysene, Dibenz[a,h]anthracene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, N-nitrosodipropylamine, Pentachlorophenol, Phenanthrene, 2-Picoline, Benzene, Chlorobenzene, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 1,2,4-Trichlorobenzene, cis-1,2-Dichloroethene, Methylene Chloride, Tetrachloroethene, Trichloroethene, Vinyl Chloride, Xylenes (total), and 2,3,7,8-TCDD equivalent. The Report was disapproved by the Department on September 25, 2013.

**Metal Powder Products**, 150 Ford Road, City of St. Marys, **Elk County**. Mountain Research, LLC., 825 25th Street, Altoona, PA 16601 on behalf of Metal Powder Products, LLC., 16855 Southpark Drive, Suite 100, Westfield, IN 46074, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soils contaminated with Trichloroethene, Vinyl Chloride, 1,3,5-Trimethylbenzene and site groundwater contaminated with Trichloroethene, cis-1,2-Dichloroethene, Vinyl Chloride, 1,1,1-Trichloroethane, 1,1-Dichloroethene, and 1,1-Dichloroethane. The Report was disapproved by the Department on September 27, 2013.

**Warner Impoundment (Rex Energy)**, 549 Perry Highway, Lancaster Township, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of R. E. Gas Development, 366 Walker Drive, State College, PA 16801, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Cadmium, Chromium, Iron, Lead, Manganese, Selenium, Silver, Mercury, Benzene, Toluene, and Ethylbenzene, Xylenes. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 27, 2013.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Hyacinth Church**, 3201 Craft Place, Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Hyacinth Place LLC, 12 Grandview Circle, Canonsburg, PA 15317 submitted a Remedial Investigation and Baseline Risk Assessment concerning the remediation of site soil and groundwater contaminated metals, VOCs and SVOCs. The intended future use of the site is residential. The report is intended to document remediation of the site to meet a site specific and statewide health standard. The Report was approved by the Department on October 4 2013.

**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 Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Hazardous Waste Transporter License Renewed*

**Emerald Environmental Services, Inc.**, 1621 St Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective August 14, 2013.

**Solvents and Petroleum Service, Inc.**, 1405 Brewerton Road, Syracuse, NY 13208. License No. PA-AH 0629. Effective August 16, 2013.

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241. License No. PA-AH 0368. Effective August 21, 2013.

**Turn-key Environmental Services, Inc.**, P.O. Box 519, Blairstown, NJ 07825. License No. PA-AH 0738. Effective August 22, 2013.

**Miller Environmental Group, Inc.**, 538 Edwards Avenue, Calverton, NY 11933. License No. PA-AH 0501. Effective August 30, 2013.

**Veolia ES Technical Solutions, LLC.**, 1 Eden Lane, Flanders, NJ 07836. License No. PA-AH 0500. Effective September 3, 2013.

**Care Environmental Corporation**, 429A E. Blackwell Street, Dover, NJ 07801. License No. PA-AH 0735. Effective September 5, 2013.

**Lacy's Express, Inc.**, P.O. Box 130, Pedricktown, NJ 08067. License No. PA-AH 0243. Effective September 5, 2013.

**CETCO, LLC**, 3091 Rockefeller Avenue, Cleveland, OH 44115. License No. PA-AH 0790. Effective September 12, 2013.

**Heritage Transport, LLC**, 7901 W. Morris Street, Indianapolis, IN 46231. License No. PA-AH 0200. Effective September 13, 2013.

**RSO, Inc.**, P.O. Box 1450, Laurel, MD 20725-1450. License No. PA-AH 0578. Effective September 19, 2013.

**PSC Industrial Outsourcing, LP**, DBA Philip West Ind., P.O. Box 368, Neenah, WI 54957-0368. License No. PA-AH 0395. Effective September 27, 2013.

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act 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 Voluntarily Terminated*

**SMP, Inc.**, 402 Route 519, Phillipsburg, NJ 08865. License No. PA-AH S221. Effective September 13, 2013.

*Hazardous Waste Transporter License Expired*

**United Environmental Group, Inc.**, 241 Mcaleer Road, Sewickley, PA 15143. License No. PA-AH 0431. Effective August 31, 2013.

**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 Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. PA-HC 0015. Effective on September 19, 2013.

**Advanced Disposal Services Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824-5016. License No. PA-HC 0199. Effective on August 7, 2013.

**University of Pittsburgh of the Commonwealth System of Higher Education**, Public Safety Building Floor 4, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Effective on September 11, 2013.

**S.H. Bio-Waste, Ltd.**, 104 G P Clement Drive, Collegetown, PA 19426. License No. PA-HC 0096. Effective on September 19, 2013.

**Infectious and Chemotherapeutic Waste Transporter License, actions taken 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 Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Infectious and Chemotherapeutic Waste Transporter License Expired*

**Rimor Enterprises, Inc.**, P.O. Box 6595, East Brunswick, NJ 08846. License No. PA-HC 0246. Effective September 9, 2013.

**DETERMINATION OF APPLICABILITY FOR INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Revoked Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Infectious and Chemotherapeutic Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.**

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

**General Permit No. WMGI010. Glaxosmithkline, LLC**, 700 Swedeland Road, King of Prussia, PA 19406, located in Upper Providence Township, **Montgomery County**, has requested a final closure certification for the "Infectious Waste Digester", located at the Upper Providence Campus of Smith Kline Beecham Corp (d.b.a. GlaxoSmithKline, LLC) in Upper Providence Township, Montgomery County. The final closure certification is

warranted for this site and the application for determination of applicability was revoked by the Southeast Regional Office on December 13, 2013. Please note that nothing in this action revokes or rescinds DEP's General Permit No. WMGI010, itself. The general permit remains in effect for other entities that have registered, or may seek to register, to operate under its terms and conditions. This action only pertains to Smith Kline Beecham Corp.'s authority to operate under the terms and conditions of the general permit at its Upper Providence Campus.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Application No. WMGR017SE001. Weaver Kendal C, Nolt's Steer Farm**, Swinehart Road, Coatesville, PA 19320. This Determination of Applicability is for the beneficial use of water treatment residuals as a soil additive at the Nolt's Steer Farm located in Brandywine Township, **Chester County**. The application for determination of applicability was issued by the Southeast Regional Office on September 19, 2013.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**GP3-58-012: L & D Stoneworks, Inc.** (2774 Stone Street, Montrose, PA 18801) on October 3, 2013, to construct and operate a Portable Crushing Operation with watersprays at Millard Quarry in Jessup Township, **Susquehanna County**.

**GP9-58-011: L & D Stoneworks Inc** (2774 Stone Street, Montrose, PA 18801) on October 2, 2013, to install and operate Diesel I/C engines at Millard Quarry in Jessup Township, **Susquehanna County**.

**GP5-58-007: Susquehanna Gathering Co., LLC** (1299 Oliver Road, New Milford, PA 18834) on September 4, 2013, to construct and operate twelve (12) IC Engines, one (1) generator, three (3) dehydrators, and three (3) condensate tanks at a Natural Gas Compressor Station site in New Milford Township, **Susquehanna County**.

**GP3-40-004: Hunlock Sand & Gravel Co.** (125 Gravel Road, Hunlock Creek, PA 18621) on September 5, 2013, to construct and operate a Portable Crushing Operation with water sprays in Hunlock Township, **Luzerne County**.

**GP5-58-013: Susquehanna Gathering Co. I, LLC** (PO Box 839, 1429 Oliver Road, New Milford, PA 18834) on September 26, 2013, to construct and operate a Natural Gas Compressor Facility at their site in Jackson Township, **Susquehanna County**.

**GP5-58-012: Williams Field Services LLC** (51 Warren Street, Tunkhannock, PA 18657) on September 17, 2013, to construct and operate compressor engines and dehy/reboilers at the Shields natural Gas Compressor Station site in Dimock Township, **Susquehanna County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP13 01-05026: York Materials Group, LLC** (PO Box 1708, York, PA 17405) on September 27, 2013, for their batch asphalt plant in Berwick Township, **Adams County**. As part of this GP13 authorization, the batch asphalt plant will be upgraded to 275 tph, with components, including a replacement baghouse, from the now-closed Codorus Stone facility.

**GP4-67-03051: Swam Electric Co., Inc.** (490 High Street, Hanover, PA 17331) on October 3, 2013, for the burn-off oven, under GP4, at their motor repair shop in Hanover Borough, **York County**. The general permit authorization was renewed.

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

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

**GP15-41-592: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, P.O. Box 26, Rheems, PA 17570-0026) on October 1, 2013, to construct and operate one (1) Mill Technology Co. Maxima Cutter Plate 27-24 hammermill, the air contaminant emissions from which will be controlled by an Airlanco model #36AVS10 fabric collector and one (1) Sprout 32W-400 pellet mill, the air contaminant emissions from which will be controlled by an existing Aircon model 1H47 high efficiency cyclone collector pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-15): Feed Mills at the Muncy Mill located in Clinton Township, **Lycoming County**.

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

*Contact: Mark Grog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-26-00483C: Range Resources-Appalachia, LLC** (100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102) on October 01, 2013, to authorize continued operation of previously installed One (1) Caterpillar, Model G3516 LE- 4EK03170, 4SLB, natural gas fired compressor engine rated at 1,340 bhp, One (1) Natco, TEG Dehydrator, Model SB12-6, rated at 5.0 MMscf/day and attached to a reboiler rated at 0.25 MMBtu/hr, and Five (5) Storage tanks of various capacities at their Rumbaugh Compressor Station in Lower Tyrone Township, **Fayette County**.

**GP5-65-00965B: Range Resources-Appalachia, LLC** (100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102) on October 03, 2013, to authorize continued operation of previously installed One (1) Caterpillar, Model G3516 LE- 4EK04142, 4SLB, natural gas fired

compressor engine rated at 1,340 bhp, One (1) Hanover, TEG Dehydrator, Model SB14-6, 5233, rated at 4.0 MMscf/day and attached to a reboiler rated at 0.125 MMBtu/hr, and Five (5) Storage tanks of various capacities at their Layman Compressor Station in East Huntingdon Township, **Westmoreland County**.

**GP5-03-00260: Laurel Mountain Midstream Operating, LLC** (Park Place 2, 2000 Commerce Dr, Pittsburgh, PA 15275) on October 3, 2013, to construct and operate of a 15 MMscfd dehydrator at the new Beagle Station in South Bend Township, **Armstrong County**.

**GP5-03-00255A: EQT Gathering, LLC** (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on September 13, 2013, for authorization to install and operate three (3) 4,735 bhp compressor engines controlled by oxidation catalysts, one (1) 120 MMscfd dehydrator controlled by a flare, and six (6) storage tanks; and continued operation of one (1) 120 MMscfd dehydrator controlled by a flare and three (3) storage tanks at the Terra Station in Plumcreek Township, **Armstrong County**.

**GP5-26-00552A: Range Resources-Appalachia, LLC** (100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102) on October 04, 2013, to authorize continued operation of previously installed One (1) Caterpillar, Model G3516 LE- 4EK03133, 4SLB, natural gas fired compressor engine rated at 1,150 bhp, equipped with Miratech Oxidation Catalyst Model No. IQ-26-12-EH1, and regulated by an air fuel ratio controller, One (1) Natco, TEG Dehydrator, Model SB12-6, rated at 4.0 MMscf/day and attached to a reboiler rated at 0.25 MMBtu/hr, and Four (4) Storage tanks of various capacities at their Voytek Compressor Station in Menallen Township, **Fayette County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-10-384A: EQT Gathering, LLC, Bass Compressor Station** (237 Westminster Rd., Saxonburg, PA 16056) on October 1, 2013, to operate four (4) natural gas fired compressor engines (Caterpillar 3606TALE), 50 MMSCF/d capacity glycol dehydrator/reboiler, natural gas fired emergency generator, 7.0 MMBtu/hr capacity flare, and associated storage tanks BAQ/GPA-GP-5) in Clinton Township, **Butler County**.

**GP5-16-156B: Snyder Brothers, Inc.—Cottage Hill Compressor Station** (SR 2003, New Bethlehem, PA 16242) on September 20, 2013, to operate a 300 bhp compressor engine (Caterpillar G3408CLE) a 0.125 MMBtu/hr TEG dehydrator and four (4) process storage tanks BAQ/GPA-GP-5) in Porter Township, **Clarion County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**38-03007B: Evans Eagle Burial Vaults, Inc.** (15 Graybill Road, Leola, PA 17540) on September 23, 2013,

to operate of a Matthews IE-43 Power Pack II human crematory in Heidelberg Township, **Lebanon County**.

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

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

**41-00001M: Transcontinental Gas Pipeline Co., LLC** (P.O. Box 1396, Houston, TX 77251-1396) on August 1, 2013, to establish performance or emission standards for their boiler at Compressor Station 520 in Mifflin Township, **Lycoming County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boiler at the facility.

**53-00001M: Tennessee Gas Pipeline Co., LLC** (1001 Louisiana Street, Houston, TX 77002) on August 1, 2013, to establish performance or emission standards for the process heaters at Compressor Station 313 in Hebron Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the process heaters at the facility.

**53-00002M: Transcontinental Gas Pipeline Co, LLC** (P.O. Box 1396, Houston, TX 77251-1396) on August 1, 2013, to establish performance or emission standards for the boilers and process heaters at Compressor Station 535 located in Wharton Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers and process heaters at the facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0007C: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on October 1, 2013, to operate a landfill gas collection and control system in Falls Township, **Bucks County**.

**09-0213A: DeNucci Excavating Corp., Inc.** (2807 Old Rodgers Road, Bristol, PA 19007) on October 1, 2013, to operate a portable non-metallic mineral processing plant and diesel-fired internal combustion engine in Bristol Township, **Bucks County**

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**03-00253A: Western Allegheny, LLC** (301 Market Street, Kittanning, PA 16201-9642) on October 2, 2013, to extend the period of temporary operation 180 days of the 800,000 tons per year Parkwood Mine Coal Preparation Plant in Plumcreek Township, **Armstrong County**. The new expiration date shall be April 10, 2014. The Plan Approval has been extended.

**63-00549A: Arden Landfill, Inc.** (200 Rangos Lane, Washington, PA 15301) on October 3, 2013, to extend the temporary operation period for the landfill gas renewable

energy facility at the Arden Landfill in Chartiers Township, **Washington County**. The new expiration date shall be April 5, 2014. The Plan Approval has been extended.

**63-00549B: Arden Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108) on October 3, 2013, to extend the temporary operation period for the landfill expansion at Arden Landfill in Chartiers Township, **Washington County**. The new expiration date shall be May 3, 2014. The plan approval has been extended.

**30-00072E: Consol Pennsylvania Coal Company, LLC** (1000 Consol Energy Dr., Canonsburg, PA 15317) on October 10, 2013, with an expiration date of April 10, 2014, for continued temporary operation of the Crabapple Overland Conveyor which is part of the Bailey Prep Plant located in Richhill Township, **Greene County**. The Bailey Prep Plant is a Title V facility. The Plan approval has been extended.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-029C: Erie Coke Corp.** (925 East Bay Drive, Erie, PA 16507) on October 1, 2013, effective October 31, 2013, to issue a plan approval extension for the construction of a coke oven side shed equipped with a fabric filter baghouse to control particulate matter (PM) emissions from coke pushing operations and coke side door leaks in the City of Erie, **Erie County**. The plan approval has been extended.

**62-032I: Ellwood National Steel** (3 Front Street, Irvine, PA 16329) on October 2, 2013, effective October 31, 2013, to issue a plan approval extension for the construction of a new vacuum oxygen decarburization (VOD) unit and seventh annealing furnace in Brokenstraw Township, **Warren County**. This is a Title V facility. 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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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**28-05012: Volvo Construction Equipment NA, LLC** (312 Volvo Way, Shippensburg, PA 17257-9209) on October 1, 2013, for their heavy construction equipment manufacturing facility in Shippensburg Borough, **Franklin County**. The Title V permit was renewed.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**24-00012: Graftech USA LLC** (800 Theresia Street Saint Marys, PA 15857-1831) on October 1, 2013, issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility in Saint Marys City, **Elk County**.

**42-00009: Pittsburgh Corning Corp.—Port Allegany Plant** (701N Main Street, Port Allegany, PA 16743-1029) on October 1, 2013, for renewal of Title V Permit to operate architecture pressed and blown glass manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources included, 1) Melting Furnaces (Lines 1-4), 2) Melting Furnaces (Lines 5-8), 3) Glass Block Edge Coaters (2), 4) Glass Block Edge Coaters (5), 5) Distributors, Fore hearths, Presses / Sealers, 6) Glass Block Annealing Lehrs (1-8), 7) #2 Batch Mixer & Conveyor and, 8) Miscellaneous Natural Gas Usage. The emissions reported by the facility in 2012 are, CO: 4.84 Tons per year NO<sub>x</sub>: 115.57 TPY, PM<sub>10</sub>: 11.04 TPY, SO<sub>x</sub>: 28.17 TPY, VOC: 15.04 TPY, CO<sub>2</sub>: 13, 825 TPY. The facility is not subject to 40 CFR Part 63, Subpart SSSSSS because the facility does not have any metal HAP in their raw materials, as defined in § 63.11459.

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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 19428*

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

**46-00115: Knoll, Inc.** (329 Railroad Street, East Greenville, PA 18041) on October 3, 2013, for an upholstered household furniture manufacturing minor facility that operates spray coating booth with fabric filter, at 329 Railroad Street, East Greenville Borough, **Montgomery County**. This action is a renewal of the facility's State Only Operating Permit originally issued on January 18, 2008. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**28-03012: AE Sauce, Inc.** (6647 Molly Pitcher Highway, Chambersburg, PA 17202-7713) on October 1, 2013, for their snack food manufacturing facility in Antrim Township, **Franklin County**. The State-only permit was renewed.

**38-03053: Kreamer Funeral Home & Crematory, Inc.** (PO Box 780, Jonestown, PA 17038-0780) on October 1, 2013, for the human crematory facility in Union Township, **Lebanon County**.

**28-05001: Martin's Famous Pastry Shoppe** (1000 Potato Roll Lane, Chambersburg, PA 17201-8897) on September 25, 2013, for their commercial bakery facility in Guilford Township, **Franklin County**. The State-only permit was renewed.

**36-05121: Paradise Custom Kitchens, Inc.** (PO Box 278, 3333 Lincoln Highway East, Paradise, PA 17562) on September 26, 2013, for their custom wood cabinetry manufacturing facility in Paradise Township, **Lancaster County**. The State-only permit was renewed.



**22-03037: Consolidated Scrap Resources, Inc.** (PO Box 1761, Harrisburg, PA 17105-1761) on September 26, 2013, for their car shredding and scrap metal recovery facility in Harrisburg City, **Dauphin County**. The State-only permit was renewed.

**06-03095: Directlink Technologies Corp.** (2561 Bernville Road, Reading, PA 19605-9611) on September 26, 2013, for their emergency generators at the data processing facility in Bern Township, **Berks County**. The State-only permit was renewed.

**67-03043: Envirite of PA, Inc.** (730 Vogelsong Road, York, PA 17404-6707) on September 30, 2013, for the waste liquid PH treatment facility in York City, **York County**. The State-only permit was renewed.

**44-03007: Hoenstine Funeral Home, Inc.** (75 Logan Street, Lewistown, PA 17044-1860) on September 25, 2013, for their human crematory in Lewistown Borough, **Mifflin County**. The State-only permit was renewed.

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

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

**56-000314: Bognar and Co., Inc.** (731-733 Washington Road, P.O. Box 11999, Pittsburgh, PA 15228) on October 1, 2013, the State Only Operating Permit for the operation of the Somerset Plant, in Black Township, **Somerset County**.

The facility contains air contamination sources consisting of a coal dryer, crusher, screens, conveyer, storage piles, and plant roads. Particulate emissions from the crusher, screens, conveyer, and storage piles are controlled by limiting minimum coal moisture. Particulate emissions from road dust are controlled by watering from a pressurized water truck.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and 25 Pa. Code Chapters 121—145.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-616636*

**25-00053: Urick Foundry Company, Inc.** (1501 Cherry Street, P.O. Box 6027, Erie, PA 16512) on September 30, 2013, to re-issue a Synthetic Minor Operating Permit for this foundry operation, in the City of Erie, **Erie County**. In order to stay below major source emission levels, Carbon Monoxide emissions are limited to no more than 95.0 tons per year and VOC emissions are limited to no more than 43.0 tons per year.

This facility is subject to the requirements of 40 CFR 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. Because the annual metal melt production is greater than 20,000 tons per year, this facility is classified as a “large Foundry.” The compliance requirements for this subpart began in January of 2009.

The emergency power generators at this facility will be subject to the requirements of 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The compliance date for this subpart was May 3, 2013.

**25-00783: Haysite Reinforced Plastics** (5599 Perry Highway, Erie, PA 16509) on October 1, 2013, re-issued the Title V Operating Permit for the manufacture of fiberglass reinforced plastics and plastic products in Millcreek Township, **Erie County**. The facility’s emission sources include two 4.2 million Btu/hr natural gas fueled boilers; 10 natural gas fueled space heaters and 5 natural gas fueled furnaces, all rated 250,000 Btu/hr or less; 9 flat sheet molding presses; 14 compression molding machines; 5 pultrusion molding machines; a sheet molding compound machine; a mix room; and a sheet sander and a panel saw. The facility is a major facility due to its potential to emit Styrene, both a HAP and a VOC. Maximum Potential Emissions for the facility are calculated as follows: VOCs and HAPs in the form of styrene emissions, 464 tpy; NO<sub>x</sub>, 22.7 tpy; SO<sub>x</sub>, 0.03 tpy; CO, 5.29 tpy; PM-<sub>10</sub>, 0.35 tpy; and CO<sub>2e</sub>, 6,057 tpy. This facility is subject to 40 CFR Part 63 Subpart WWWW, NESHAPs for Reinforced Plastic Composites Production. The facility also has an 8 hp natural gas fueled emergency generator subject to 40 CFR Part 63 Subpart ZZZZ.

**33-00147: Dominion Transmission Big Run Station** (501 Martindale Street, Suite 400 Pittsburgh, PA 15212) on October 1, 2013, for modification of a State Only Operating Permit for their facility in Gaskill Township, **Jefferson County**. The facility is a Natural Minor. The modification increases the reboiler burner rating from 0.3 mmbtu/hr to 0.5 mmbtu/hr and includes the applicable requirements of 40 CFR 63 Subpart ZZZZ for the 1775 HP Caterpillar compressor engine.

**62-00148: Elkhorn Gas Processing** (15470 Route 6, Warren, PA 16365) on September 30, 2013, issued a renewal of the Natural Minor Operating Permit to operate the natural gas processing plant in Sheffield Township, **Warren County**. The facility’s primary emission sources include two inlet compressors, dehydration unit, combustion emissions for the dehydration unit, a hot oil heater, a refrigerant compressor, potential equipment leaks, product storage tanks and loading, and an emergency generator. The two inlet compressors and the refrigerant compressor engines are subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Units. The dehydration unit is subject to 40 CFR 63 Subpart HH—NESHAPs from Oil and Natural Gas Production Facilities. Actual emissions from the facility are less than the Title V emission thresholds. The conditions of the previous plan approval and operating permit were incorporated into the renewal permit.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**37-00307: PSC Metals New Castle Plant** (PO Box 310, Slippery Rock, PA 16057-0310) on October 2, 2013, issued an administrative amendment to the State Operating Permit to incorporate the conditions of plan approval 37-307D into the permit for the facility in New Castle City, **Lawrence County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Debbie Ferenci)*

**30841317. Consol Pennsylvania Coal Company LLC**, (P. O. Box J, 1525 Pleasant Grove Rd., Claysville, PA 15323). To revise the permit for Enlow Fork Mine in East Finley Township, **Washington County** to install six injection boreholes and associated pipelines for the existing overland conveyor facility. Surface Acres Proposed 2.8. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. No additional discharges. The application was considered administratively complete on April 2, 2013. Application received February 22, 2013. Permit issued October 1, 2013.

**65130701 (formerly 65831701) and NPDES No. PA0213985. Eastern Associated Coal, LLC**, (PO Box 1233, Charleston, WV 25234). To renew the permit for the Delmont Treatment Facility in South Huntingdon Township, **Westmoreland County** and related NPDES permit for post-mining water treatment. No additional discharge. The application was considered administratively complete on March 4, 2013. Application received December 27, 2012. Permit issued October 4, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 32090101 and NPDES No. PA0262731. Britt Energies, Inc.**, P.O. Box 515, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving streams: unnamed tributary to/and Sulfur Run to Kiskiminetas River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2013. Permit Issued September 16, 2013.

**Permit No. 32120102, NPDES No. PA0269026 and General Permit GP-12-32120102, Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687, revision of an existing bituminous surface mine to obtain coverage for coal processing under air quality general permit GP-12 in Brush Valley and Center Townships, **Indiana County**, affecting 80.0 acres. Receiving streams: unnamed tributaries to Laurel Run, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 8, 2013. Permit Issued September 17, 2013.

**Permit No. 32120103 and NPDES No. PA0269093, Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 36.0 acres. The permit includes approval of a variance to relocate and restore a section of unnamed tributary #1 to Horton Run, which is currently affected by abandoned mine lands. The permit also includes approval to affect and restore 0.078 acre of wetlands. The permit includes Chapter 105 authorizations to conduct the stream and wetlands encroachment activities and also includes Clean Water Act Section 401 certification for those activities. Receiving streams: unnamed tributary #1 to/and Cush Creek and unnamed tributary #1 to/and Horton Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2012. Permit issued September 18, 2013.

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

**33070108. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in McCalmont Township, **Jefferson County** affecting 40.0 acres. Receiving streams: Six unnamed tributaries to Little Sandy Creek. This renewal is issued for reclamation only. Application received: July 27, 2013. Permit Issued: September 30, 2013.

**10080103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Mercer Township, **Butler County** affecting 4.0 acres. Receiving streams: Unnamed tributary to Swamp Run. This renewal is issued for reclamation only. Application received: August 16, 2013. Permit Issued: October 3, 2013.

### *Coal Permits Withdrawn*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 56900109 and NPDES No. PA0598887, PBS Coals, Inc.**, P.O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to add approximately six (6) acres of additional open pit mining area and thirty-three (33) acres of highwall mining acreage. The revision also includes additional mining area within 100 feet of Township Route T-646. This request includes a variance approval from the township in Quemahoning and Somerset Townships, Somerset County, affecting 48.2 acres. Receiving stream: Wells Creek classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received October 4, 2011. Permit Withdrawn September 17, 2013.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 4273SM6A2 and NPDES No. PA0212555, Grannas Brothers Stone & Asphalt Co., Inc.**, P.O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES permit, Frankstown Township, **Blair County**. Receiving stream: unnamed tributaries to Brush Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received August 29, 2013. Application returned September 16, 2013.

**Permit No. 01740601 and NPDES No. PA0594407, Valley Quarries, Inc.**, P.O. Box 2009, Chambersburg, PA 17201, renewal of NPDES permit, Cumberland Township, **Adams County**. Receiving stream: Rock Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 13, 2013. Permit Issued September 17, 2013.

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

**24070301 and NPDES Permit No. PA0258318. Marquis Mining Corporation** (P.O. Box 338, Blairsville, PA 15717) Renewal of an existing large industrial minerals mine and associated NPDES permit in Fox Township, **Elk County** affecting 227.0 acres. Receiving streams: Unnamed tributaries to Bear Run. Application received: July 27, 2013. Permit Issued: September 30, 2013.

**43070303. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141) Revision to an existing large industrial minerals mine to add 11.8 acres in Springfield & Wilmington Townships, **Mercer County** affecting a total of 125.8 acres. Receiving streams: Unnamed tributary to Indian Run and Indian Run. Application received: May 29, 2013. Permit Issued: September 30, 2013.

**43070303-GP-104. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43070303 in Springfield & Wilmington Townships, **Mercer County**. Application received: June 25, 2013. Permit Issued: September 30, 2013.

**43930801. Peter R. Wishart** (201 Clintonville Road, Mercer, PA 16137). Final bond release for a small industrial minerals surface mine in Coolspring Township, **Mercer County**. Restoration of 4.8 acres completed. Receiving streams: Unnamed tributary to Otter Creek. Application Received: May 29, 2013. Final bond release approved: September 30, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner)*

**08940802. Bronson Construction Company, Inc.** (464 Bronson Road, Troy, PA 16947). Final bond release for a small industrial minerals surface mine located in Troy Township, **Bradford County**. Restoration of 4.0 acres completed. Final bond release approved September 24, 2013.

**57120301 and NPDES PA0257133. Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614). Commencement, operation and restoration of a

large noncoal surface mine (shale) operation in Forks Township, **Sullivan County** affecting 38.3 acres. This application will replace existing SMP No. 57090301. Receiving streams: Unnamed Tributary to Black Creek and Black Creek classified as Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 2, 2012. Permit issued: September 30, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**58110301 and NPDES Permit No. PA0224901. Poppel Construction, Inc.**, (215 East Saylor Avenue, Wilkes-Barre, PA 18702), commencement, operation and restoration of a quarry operation in New Milford and Jackson Township, **Susquehanna County** affecting 135.7 acres, receiving stream: Mitchell Creek and Salt Lick Creek. Application received: February 18, 2011. Permit issued: October 3, 2013.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**24134003. Tamburlin Brothers Coal Company, Inc.** (P.O. Box 1419, Clearfield, PA 16830). Blasting activity permit for a Government Financed Construction Contract in Jay Township, **Elk County**. This blasting activity permit will expire on August 1, 2014. Permit Issued: October 3, 2013.

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

**48134105. Schlouch, Inc.**, (P.O. Box 69, Blandon, PA 19510), construction blasting for Bethlehem Commerce Lot 2 in the City of Bethlehem, **Northampton County** with an expiration date of September 26, 2014. Permit issued: October 3, 2013.

**58134159. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Reynolds 8 inch Pipeline in Jessup Township, **Susquehanna County** with an expiration date of September 27, 2014. Permit issued: October 3, 2013.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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**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.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E0829-073: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a temporary timber mat bridge impacting 1,294 square feet of a floodway of an unnamed tributary to Black Creek (EV) (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'46");
2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 99 linear feet of an unnamed tributary to Black Creek (EV, MF) and impacting 1,005 square feet of an adjacent Palustrine Emergent Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°36'03", Longitude: -76°30'39");
3. a temporary timber mat bridge impacting 14,315 square feet of the floodway of an unnamed tributary to Black Creek (EV) (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'46");

The project will result in 99 linear feet or 904 square feet of temporary stream impacts and 15,609 square feet of floodway impacts and 1,005 square feet (0.02 acre) of PEM wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County.

**E0829-074: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 80 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) and impacting 369 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'01", Longitude: -76°17'33");
2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,117 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°32'59", Longitude: -76°17'35");
3. a temporary timber mat bridge impacting 260 square feet of a floodway of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°32'56", Longitude: -76°17'38");

The project will result in 80 linear feet or 231 square feet of temporary stream impacts and 9,978 square feet of floodway impacts and 1,486 square feet (0.03 acre) of PEM wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County. This project is associated with permit application number E5729-061

**E5829-056. Williams Field Services Company, LLC; Park Place Corporate Center 2**, 2000 Commerce Park Drive, Pittsburgh, PA 15275; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

- 1) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 12,069 square feet (0.28 acre) of Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 48' 41" Lat., W - 75° 50' 19" Long.),
- 2) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 5,862 square feet (0.13 acre) of PEM wetlands (>10 acres) (Montrose East, PA Quadrangle; N 41° 48' 42" Lat., W - 75° 50' 17" Long.),
- 3) a timber mat crossing impacting 12,057 square feet (0.28 acre) of the floodway of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 48' 42" Lat., W - 75° 50' 12" Long.),
- 4) Two 15-inch diameter culverts for a permanent access road crossing impacting 56 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 48' 40" Lat., W -75° 49' 38" Long.).

The project consists of constructing approximately 0.89 mile of 12" natural gas gathering line from the "Wells" well pad routed in an Easterly direction to the Tiffany Pipeline located in Bridgewater Township, Susquehanna County. The project will result in 74 lineal feet of temporary stream impacts, 56 feet of permanent stream impacts, and 0.13 acre of temporary wetland impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E5729-061: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 80 linear feet of an unnamed tributary to North Branch Mehoopany (CWF, MF) and impacting 2,172 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°32'49", Longitude: -76°17'40");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 80 linear feet of an unnamed tributary to North Branch Mehoopany (CWF, MF) (Overton, PA Quadrangle, Latitude: 41°32'47", Longitude: -76°17'42");

The project will result in 160 linear feet or 929 square feet of temporary stream impacts and 2,172 square feet (0.05 acre) of PEM wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Colley Township, Sullivan County. This project is associated with permit application number E0829-074

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESG13-047-0006—Clermont Pad H  
Applicant Seneca Resources Corporation  
Contact Doug Kepler  
Address 5800 Corporate Drive, Suite 300  
City Pittsburgh State PA Zip Code 15237  
County Elk Township(s) Jones(s)  
Receiving Stream(s) and Classification(s) Briggs Hollow /  
East Branch Clarion River Watershed

ESCGP-1 #ESX13-019-0013A—L&L Properties Well Pad and Tank Pad—Major Modification  
Applicant R.E. Gas Development LLC  
Contact Mr. Michael Endler  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Lancaster(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributaries to Little Connoquenessing Creek Slippery Rock Creek Watershed

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESG13-023-0001 (01)  
Applicant Name EQT Gathering, Inc.  
Contact Person Brian Clauto  
Address 455 Racetrack Road  
City, State, Zip Washington, PA 15301  
County Cameron County  
Township(s) Shippen Township  
Receiving Stream(s) and Classification(s) Whippoorwill Hollow Run, UNTs to East Branch Hicks Run, Bell Run, Beldin Hollow (All HQ-CWF) Bear Run and Sugar Bush Hollow (EV);  
Secondary: East Branch Hicks Run, (HQ-CWF), West Branch Hicks Run (EV), Bennett Branch Sinnemahoning Creek (WWF) and Big Run (HQ-CWF)

ESCGP-1 # ESX13-015-0056  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Randy DeLaune  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Wilmot Township  
Receiving Stream(s) and Classification(s) (2) UNT's to Susquehanna River (CWF)

ESCGP-1 # ESG13-115-0094  
Applicant Name Williams Field Svcs Co, LLC  
Contact Person Julie Nicholas  
Address 1212 South Abington Rd  
City, State, Zip Clarks Summit, PA 18411  
County Susquehanna County  
Township(s) Lenox Township  
Receiving Stream(s) and Classification(s) Milard Creek (EV-CWF); UNTs to waters above.

ESCGP-1 # ESG13-115-0089  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Apolaccon Township  
Receiving Stream(s) and Classification(s) Bow Bridge Creek (HQ-CWF/MF), UNT to Choconut Creek (WWF/MF);  
Secondary: Apalachin Creek (CWF/MF), Choconut Creek (WWF/MF)

ESCGP-1 # ESX13-115-0097  
Applicant Name Williams Field Svc., Co. LLC  
Contact Person Lauren Mildinovich  
Address Park Place Corp., Center 2, 2000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna County  
Township(s) Dimock and Springville Townships  
Receiving Stream(s) and Classification(s) White Creek, UNTs to White Creek, Thomas Creek, and UNTs to Thomas Creek (All CWF/MF);  
Secondary: CWF/MF

ESCGP-1 # ESX13-131-0022  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Randy DeLaune  
 Address 100 IST Center  
 City, State, Zip Horseheads, NY 14845  
 County Wyoming County  
 Township(s) Windham Township  
 Receiving Stream(s) and Classification(s) Tribs 29458 and  
 29459 to Susquehanna River (CWF/MF)

ESCGP-1 # ESX13-115-0112  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Apolacon Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Apalachin Creek (WWF/MF)

### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22729-00-00  
 Well Farm Name F Pad Ferguson-Keisling 5H  
 Applicant Name: Southwestern Energy Production Co.  
 Contact Person: John Nicholas  
 Address: 2350 N. Sam Houston Pkwy East, Houston, TX 77032  
 County: Bradford  
 Municipality Herrick Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Le Raysville, Unnamed tributary to Camp Creek

Well Permit #: 113-20232-00-00  
 Well Farm Name Cherrymills SW SUL 3H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Sullivan  
 Municipality Cherry Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Dushore,

Well Permit #: 015-22758-00-00  
 Well Farm Name Circle Z BRA 1H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Bradford  
 Municipality Wilmot Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Jenningsville, unnamed tributary to Sugar Run Creek.

Well Permit #: 113-20232-00-00  
 Well Farm Name Cherrymills SW SUL 3H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Sullivan  
 Municipality Name/City, Borough, Township: Cherry  
 Township Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Dushore, Lick Creek.

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### SPECIAL NOTICES

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#### **Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

*Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

On October 17, 2013, the Dauphin County Municipal Waste Plan Revision submitted to the Department of Environmental Protection (Department) on September 17, 2013 was deemed approved by operation of law, in accordance with 25 Pa. Code § 272.244(a).

Persons aggrieved by an action may appeal, 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 the 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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, 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning the deemed approval should be directed to John Lundsted, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management at 717-705-4927, or [jlundsted@pa.gov](mailto:jlundsted@pa.gov), or the previous Regional Office address.

[Pa.B. Doc. No. 13-1965. Filed for public inspection October 18, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Belair Health and Rehabilitation Center  
100 Little Road  
Lower Burrell, PA 15068

Havencrest Nursing Center  
1277 Country Club Road  
Monongahela, PA 15063

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 accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1966. Filed for public inspection October 18, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Merry Multiplier Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Merry Multiplier.

2. *Price:* The price of a Pennsylvania Merry Multiplier instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Merry Multiplier instant lottery game ticket will contain one play area featuring "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and a "WINNING NUMBERS" area. The play symbols and their captions located in the "GAMES" and in the "WINNING NUMBERS" area are: 1 (ONE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT), 49 (FRYNIN), 50 (FIFTY), 51 (FTYONE), 52 (FTYTWO), 53 (FTYTHR), 54 (FTYFOR), 55 (FTYFIV), 56 (FTYSIX), 57 (FTYSVN), 58 (FTYEGT), 59 (FTYNIN) and 60 (SIXTY).

4. *Prize Symbols:* The prize symbols and their captions located in "GAME 1" and "GAME 9" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$25<sup>00</sup> (TWY FIV), \$100 (ONE HUN) and \$1,000 (ONE THO). The prize symbols and their captions located in "GAME 2" and "GAME 8" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25<sup>00</sup> (TWY FIV), \$75<sup>00</sup> (SVY FIV) and \$10,000 (TEN THO). The prize symbols and their captions located in "GAME 3" and "GAME 7" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25<sup>00</sup> (TWY FIV), \$75<sup>00</sup> (SVY FIV) and \$10,000 (TEN THO). The prize symbols and their captions located in "GAME 4" and "GAME 6" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY) and \$100 (ONE HUN). The prize symbols and their captions located in "GAME 5" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$75<sup>00</sup> (SVY FIV), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in "GAME 1" and "GAME 9" are: \$3, \$5, \$10, \$15, \$25, \$100 and \$1,000. "GAME 1" and "GAME 9" prizes shown are decupled. The prizes that can be won in "GAME 2" and "GAME 8" are: \$3, \$5, \$10 and \$10,000. "GAME 2" and "GAME 8" prizes shown are quintupled. The prizes that can be won in

“GAME 3” and “GAME 7” are: \$3, \$5, \$10, \$25, \$75 and \$10,000. “GAME 3” and “GAME 7” prizes shown are tripled. The prizes that can be won in “GAME 4” and “GAME 6” are: \$3, \$5, \$10, \$15, \$25, \$50 and \$100. “GAME 4” and “GAME 6” prizes shown are doubled. The prizes that can be won in “GAME 5” are: \$3, \$5, \$6, \$9, \$10, \$15, \$25, \$50, \$75, \$100, \$250, \$1,000, \$10,000, \$30,000 and \$50,000. “GAME 5” prizes shown are not multiplied. The player can win up to nine times on each ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2013 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Merry Multiplier instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Merry Multiplier instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$50,000 (FTY THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 2” or “GAME 8,” and a prize symbol of \$10,000 (TEN THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$30,000 (TRY THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$30,000.

(d) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 3” or “GAME 7,” and a prize symbol of \$10,000 (TEN THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$30,000.

(e) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$10,000 (TEN THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 1” or “GAME 9,” and a prize symbol of \$1,000 (ONE THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$10,000.

(g) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$1,000 (ONE THO) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 1” or “GAME 9,” and a

prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$250 (TWOHUNFTY) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 1” or “GAME 9,” and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 3” or “GAME 7,” and a prize symbol of \$75<sup>00</sup> (SVY FIV) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$225.

(l) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 4” or “GAME 6,” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 1” or “GAME 9,” and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$150.

(n) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 4” or “GAME 6,” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 1” or “GAME 9,” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 5,” and a prize symbol of \$75<sup>00</sup> (SVY FIV) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$75.

(r) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols appearing in “GAME 3” or “GAME 7,” and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$75.

(s) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play



symbols appearing in "GAME 5," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 4" or "GAME 6," and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 2" or "GAME 8," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 1" or "GAME 9," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 4" or "GAME 6," and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 3" or "GAME 7," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 1" or "GAME 9," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(z) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 2" or "GAME 8," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 4" or "GAME 6," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(dd) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play

symbols appearing in "GAME 3" or "GAME 7," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(ee) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 2" or "GAME 8," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(ff) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 4" or "GAME 6," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(hh) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(ii) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 3" or "GAME 7," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(jj) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(kk) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 4" or "GAME 6," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(ll) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(mm) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches any of the play symbols appearing in "GAME 5," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$3.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

NOTICES

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When Any Winning Number Matches Any Number Found In Any Game, Apply That Game's Multiplier To The Prize Shown For That Game And Win That Amount. Each Game Is Played Separately. Game 5 Prize In Not Multiplied. Win With:

Game 5	Games 4 & 6 (X2)	Games 3 & 7 (X3)	Games 2 & 8 (X5)	Games 1 & 9 (X10)	Win:	Approximate Odds of 1 in:	Approximate No. Of Winners Per 8,400,000 Tickets
\$3					\$3	9.09	924,000
\$5					\$5	20	420,000
	\$3				\$6	50	168,000
\$6					\$6	100	84,000
\$3	\$3				\$9	125	67,200
		\$3			\$9	166.67	50,400
\$9					\$9	166.67	50,400
	\$5				\$10	142.86	58,800
\$10					\$10	142.86	58,800
		\$5			\$15	500	16,800
\$5	\$5				\$15	500	16,800
			\$3		\$15	250	33,600
\$15					\$15	500	16,800
\$6	\$5	\$3			\$25	1,000	8,400
	\$5	\$5			\$25	1,000	8,400
\$5	\$10				\$25	1,000	8,400
			\$5		\$25	1,000	8,400
\$25					\$25	500	16,800
\$5		\$5		\$3	\$50	1,500	5,600
	\$10	\$10	\$5 × 2		\$50	2,400	3,500
				\$5	\$50	2,400	3,500
\$50		\$5		\$3 × 2	\$50	2,000	4,200
					\$50	2,000	4,200
\$5	\$10		\$10		\$75	6,000	1,400
\$25	\$25				\$75	6,000	1,400
\$50			\$5		\$75	4,000	2,100
\$15	\$15 × 2			\$5	\$75	2,400	3,500
	\$5	\$5	\$5 × 2		\$75	4,000	2,100
\$75					\$75	6,000	1,400
		\$25	\$5		\$75	4,000	2,100
				\$5 × 2	\$100	24,000	350
\$75			\$5		\$100	8,000	1,050
\$50	\$25				\$100	12,000	700
	\$5	\$5	\$5	\$5	\$100	12,000	700
				\$10	\$100	12,000	700
\$100					\$100	6,000	1,400
\$50	\$5 × 2	\$5 × 2	\$5 × 2	\$5 × 2	\$100	24,000	350
\$50	\$100				\$100	24,000	350
	\$25			\$10 × 2	\$250	20,000	420
\$25		\$75			\$250	30,000	280
				\$25	\$250	40,000	210
\$250					\$250	17,143	490
\$250	\$50 × 2	\$25 × 2	\$10 × 2	\$15 × 2	\$250	24,000	350
				\$100	\$250	24,000	350
\$1,000					\$1,000	30,000	280
				\$1,000	\$1,000	30,000	280
\$10,000		\$10,000			\$1,000	30,000	280
				\$1,000	\$10,000	1,680,000	5
\$30,000					\$10,000	840,000	10
					\$30,000	1,680,000	5
\$50,000			\$10,000		\$30,000	840,000	10
					\$50,000	1,680,000	5
					\$50,000	1,680,000	5

Game 5: Win prize shown.  
 Games 4 & 6: (X2) = Win double the prize shown.  
 Games 3 & 7: (X3) = Win triple the prize shown.  
 Games 2 & 8: (X5) = Win five times the prize shown  
 Games 1 & 9: (X10) = Win ten times the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings' Requirements:*

(a) To be eligible for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2013 holiday instant tickets via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2013 \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2013 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website. Entries mailed or hand-delivered to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2013 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1060 Merry Multiplier (\$3) ticket will entitle the player to 3 entries.

(c) The qualifying Pennsylvania Lottery 2013 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1057 Merry Millionaire '13 (\$20) = 20 entries; PA-1058 Sleigh Ride (\$10) = 10 entries; PA-1059 Holiday Gifts '13 (\$5) = 5 entries; PA-1060 Merry Multiplier (\$3) = 3 entries; PA-1061 Cashing Thru the Snow (\$2) = 2 entries; and PA-1062 Snow Days (\$1) = 1 entry.

11. *Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. October 27, 2013, through 11:59:59 p.m. December 2, 2013, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, which will be held between December 3, 2013 and December 7, 2013, and the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(2) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. December 2, 2013, through 11:59:59 p.m. January 2, 2014, will be entered in the Pennsylvania

Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(3) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 7, 2013 and after the live drawing show via social media.

(4) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 8, 2014 and after the live drawing show via social media.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole

discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

12. *Description of Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings prizes:*

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, held between December 3, 2013 and December 7, 2013, shall each be entitled to a prize of \$10,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, held between January 3, 2014 and January 8, 2014, shall be entitled to a prize of \$100,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Merry Multiplier instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Merry Multiplier, prize money from winning Pennsylvania Merry Multiplier instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Merry Multiplier instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Merry Multiplier or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-1967. Filed for public inspection October 18, 2013, 9:00 a.m.]

## Pennsylvania Sleigh Ride Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sleigh Ride.

2. *Price:* The price of a Pennsylvania Sleigh Ride instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Sleigh Ride instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions printed in blue ink and located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in black ink and located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in blue ink and located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in black ink and located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Santa (10TIMES) symbol and a Sleigh (SLEIGH) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$400

(FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$400, \$500, \$1,000, \$50,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2013 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Sleigh Ride instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Sleigh Ride instant game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$300,000 (THRHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Santa (10TIMES) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears under the Santa (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$500

(FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Santa (10TIMES) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Santa (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Santa (10TIMES) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Santa (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$150 (ONEHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.



9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate

number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$10 w/ SLEIGH	\$10	15	400,000
\$10	\$10	12	500,000
\$15 w/ SLEIGH	\$15	30	200,000
\$15	\$15	30	200,000
\$10 × 2	\$20	200	30,000
(\$10 w/ SLEIGH) × 2	\$20	60	100,000
\$20 w/ SLEIGH	\$20	60	100,000
\$20	\$20	200	30,000
\$15 × 2	\$30	200	30,000
(\$10 w/ SLEIGH) × 3	\$30	200	30,000
\$30 w/ SLEIGH	\$30	300	20,000
\$30	\$30	200	30,000
\$5 w/ SANTA	\$50	200	30,000
\$10 w/ BLUE MATCH	\$50	200	30,000
\$50 w/ SLEIGH	\$50	200	30,000
\$50	\$50	200	30,000
\$50 × 2	\$100	600	10,000
\$10 w/ SANTA	\$100	600	10,000
\$20 w/ BLUE MATCH	\$100	600	10,000
\$100 w/ SLEIGH	\$100	600	10,000
\$100	\$100	600	10,000
\$50 × 3	\$150	12,000	500
\$15 w/ SANTA	\$150	4,000	1,500
\$30 w/ BLUE MATCH	\$150	4,000	1,500
(\$50 w/ SLEIGH) × 3	\$150	3,429	1,750
\$150 w/ SLEIGH	\$150	3,429	1,750
\$150	\$150	12,000	500
\$50 × 4	\$200	12,000	500
\$100 × 2	\$200	12,000	500
\$20 w/ SANTA	\$200	6,000	1,000
(\$10 w/ BLUE MATCH) × 4	\$200	8,000	750
\$200 w/ SLEIGH	\$200	8,000	750
\$200	\$200	12,000	500
\$100 × 4	\$400	15,000	400
(\$20 w/ SANTA) × 2	\$400	8,000	750
(\$10 w/ BLUE MATCH) × 8	\$400	8,000	750
\$400 w/ SLEIGH	\$400	8,571	700
\$400	\$400	15,000	400
\$100 × 5	\$500	24,000	250
\$50 w/ SANTA	\$500	12,000	500
\$100 w/ BLUE MATCH	\$500	12,000	500
\$500 w/ SLEIGH	\$500	12,000	500
\$500	\$500	24,000	250
(\$100 × 5) + (\$50 × 10)	\$1,000	30,000	200
\$500 × 2	\$1,000	60,000	100
\$100 w/ SANTA	\$1,000	30,000	200
\$200 w/ BLUE MATCH	\$1,000	30,000	200
\$1,000 w/ SLEIGH	\$1,000	30,000	200
\$1,000	\$1,000	60,000	100
\$50,000	\$50,000	300,000	20
\$300,000	\$300,000	600,000	10

When matching numbers are blue, win 5 times the prize shown under the matching number.  
 Reveal a "SANTA" (10TIMES) symbol, win 10 times the prize shown under it.  
 Reveal a "SLEIGH" (SLEIGH) symbol, win the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings' Requirements:*

(a) To be eligible for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2013 holiday instant tickets via the Lottery's website

(palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2013 \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2013 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website. Entries mailed or hand-delivered to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2013 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1058 Sleigh Ride (\$10) ticket will entitle the player to 10 entries.

(c) The qualifying Pennsylvania Lottery 2013 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1057 Merry Millionaire '13 (\$20) = 20 entries; PA-1058 Sleigh Ride (\$10) = 10 entries; PA-1059 Holiday Gifts '13 (\$5) = 5 entries; PA-1060 Merry Multiplier (\$3) = 3 entries; PA-1061 Cashing Thru the Snow (\$2) = 2 entries; and PA-1062 Snow Days (\$1) = 1 entry.

#### 11. *Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. October 27, 2013, through 11:59:59 p.m. December 2, 2013, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, which will be held between December 3, 2013 and December 7, 2013, and the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(2) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. December 2, 2013, through 11:59:59 p.m. January 2, 2014, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(3) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing

show on December 7, 2013 and after the live drawing show via social media.

(4) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 8, 2014 and after the live drawing show via social media.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.



(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

**12. Description of Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings prizes:**

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, held between December 3, 2013 and December 7, 2013, shall each be entitled to a prize of \$10,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, held between January 3, 2014 and January 8, 2014, shall be entitled to a prize of \$100,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

**13. Retailer Incentive Awards:** The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sleigh Ride instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

**14. Unclaimed Prize Money:** For a period of 1 year from the announced close of Pennsylvania Sleigh Ride instant game, prize money from Pennsylvania Sleigh Ride instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sleigh Ride instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

**15. Governing Law:** In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

**16. Termination of the Game:** The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sleigh Ride instant game or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-1968. Filed for public inspection October 18, 2013, 9:00 a.m.]

**Pennsylvania Snow Days Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Snow Days.

2. *Price:* The price of a Pennsylvania Snow Days instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Snow Days instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions, located in the play area are: a Boot (BOOT) symbol, Cabin (CABIN) symbol, Cocoa (COCOA) symbol, Earmuff (EARMF) symbol, Fire (FIRE) symbol, Gingerbread House (GBHSE) symbol, Gingerbread Man (GBMAN) symbol, Hat (HAT) symbol, Igloo (IGLOO) symbol, Lights (LIGHTS) symbol, Mitten (MITTEN) symbol, Scarf (SCARF) symbol, Snowflake (FLAKE) symbol, Stocking (STKING) symbol, Top Hat (TOPHT) symbol, Wreath (WRTH) symbol and a Snowman (SNWMN) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$40, \$100, \$400 and \$5,000. The player can win up to 4 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2013 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Snow Days instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 20,400,000 tickets will be printed for the Pennsylvania Snow Days instant lottery game.

**8. Determination of Prize Winners:**

(a) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with a Snowman (SNWMN) symbol in a "GAME," on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$3<sup>00</sup> (THR

DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(m) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Snow Days instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Match 3 Like Symbols Across The Same Game, Win Prize Shown To The Right Of That Game. Win With:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 20,400,000 Tickets
FREE	FREE \$1 TICKET	9.38	2,176,000
\$1 x 2	\$2	37.5	544,000
\$2	\$2	42.86	476,000
\$1 x 4	\$4	150	136,000
\$2 x 2	\$4	100	204,000
(\$1 x 2) + \$2	\$4	150	136,000
\$4	\$4	150	136,000
(\$2 x 2) + \$1	\$5	300	68,000
\$4 + \$1	\$5	200	102,000
\$5	\$5	200	102,000
\$5 x 2	\$10	1,500	13,600
(\$3 x 2) + (\$2 x 2)	\$10	1,500	13,600
\$10 w/ SNOWMAN	\$10	200	102,000
\$10	\$10	1,500	13,600
\$5 x 4	\$20	3,000	6,800
\$10 x 2	\$20	1,500	13,600
\$10 w/ SNOWMAN + \$10	\$20	1,000	20,400
\$10 w/ SNOWMAN x 2	\$20	1,000	20,400
\$20	\$20	3,000	6,800
\$10 x 4	\$40	3,000	6,800
\$20 x 2	\$40	3,000	6,800
\$10 w/ SNOWMAN x 4	\$40	3,000	6,800
\$40	\$40	3,000	6,800
(\$10 w/ SNOWMAN) x 2) + (\$40 x 2)	\$100	7,742	2,635
(\$40 x 2) + \$20	\$100	12,000	1,700
\$100	\$100	12,000	1,700
\$100 x 4	\$400	30,000	680
\$400	\$400	34,286	595
\$5,000	\$5,000	680,000	30

Reveal a "SNOWMAN" (SNWMN) symbols in any game, win \$10 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

*10. Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings' Requirements:*

(a) To be eligible for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2013 holiday instant tickets via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2013 \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2013 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website. Entries mailed or hand-delivered to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2013 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1062 Snow Days (\$1) ticket will entitle the player to 1 entry.

(c) The qualifying Pennsylvania Lottery 2013 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1057 Merry Millionaire '13 (\$20) = 20 entries; PA-1058 Sleigh Ride (\$10) = 10 entries; PA-1059 Holiday Gifts '13 (\$5) = 5 entries; PA-1060 Merry Multiplier (\$3) = 3 entries; PA-1061 Cashing Thru the Snow (\$2) = 2 entries; and PA-1062 Snow Days (\$1) = 1 entry.

*11. Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. October 27, 2013, through 11:59:59 p.m. December 2, 2013, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, which will be held between December 3, 2013 and December 7, 2013, and the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(2) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. December 2, 2013, through 11:59:59 p.m. January 2, 2014, will be entered in the Pennsylvania

Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(3) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 7, 2013 and after the live drawing show via social media.

(4) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 8, 2014 and after the live drawing show via social media.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings,

the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

**12. Description of Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings prizes:**

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, held between December 3, 2013 and December 7, 2013, shall each be entitled to a prize of \$10,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, held between January 3, 2014 and January 8, 2014, shall be entitled to a prize of \$100,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Snow Days instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Snow Days, prize money from winning Pennsylvania Snow Days instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If

no claim is made within 1 year of the announced close of the Pennsylvania Snow Days instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Snow Days or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-1969. Filed for public inspection October 18, 2013, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
2-159	Department of Agriculture Preferential Assessment of Farmland and Forest Land under the Clean and Green Act 43 Pa.B. 4344 (August 3, 2013)	9/3/13	10/3/13

**Department of Agriculture  
Regulation #2-159 (IRRC #3015)**

**Preferential Assessment of Farmland and Forest  
Land under the Clean and Green Act**

**October 3, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the August 3, 2013 *Pennsylvania Bulletin*. Our comments are

based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest.**

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the

public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the Regulatory Analysis Form (RAF).

The Preamble included with the proposal only provides “a summary of some of the more significant provisions of the proposed regulation.” This summary does not provide an adequate description for all of the sections of the rulemaking and the rationale behind the language being added or deleted. Without this information, this Commission is unable to determine if the regulation is in the public interest. In the Preamble submitted with the final-form regulation, we ask the Department to provide more detailed information, including a description of the language proposed for each section of the regulation and why the language is being added or deleted.

In addition, some of the information contained in the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest. Specifically, the Department has failed to describe how the regulation compares to those of other states, and the Department has not included a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability or inapplicability to the regulation. Without this information, we cannot determine if this proposed regulation is in the public interest. In the RAF submitted with the final-form regulation, the Department should provide a description of how the regulation compares to those of other states and how many small businesses will be affected.

## 2. Implementation procedures.

Several sections of this proposal, including the definitions of “agricultural reserve” and “agricultural use” and § 137b.12(3), are being promulgated to incorporate the “alternative energy” provisions of Act 88 of 2010. These sections of the rulemaking include a phrase similar to the following, “. . . if a majority of the energy annually generated is utilized on the tract.” A commentator has questioned how this provision will be monitored. In the Preamble to the final-form regulation, we ask the Department to explain how this provision will be implemented.

## 3. Section 137b.2. Definitions.—Consistency with Statute; Implementation procedures; Clarity.

### *Agritainment*

The statutory definition of this term includes the term “hay maze,” but the proposed regulatory definition does not include that term. This may lead to inconsistent administration of the Clean and Green Program under the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (Act). §§ 72 P. S. 5490.1—5490.13. We suggest that the regulatory definition be amended to include the term “hay maze.”

### *Change of Use*

This definition contains a list of actions that are not considered a “change of use.” A commentator is concerned that the use of the term “sold” under Subsection (ii)(A) is too narrow and would not include conveyances other than sales. In addition, a commentator believes that the phrase “as long as the land continues in eligible use” lacks clarity. We ask the Department to explain how these

provisions are to be implemented. We note that similar language is found in the definition of “division by conveyance or other action of the owner.”

### *Outdoor recreation*

Examples of “passive recreational use of land” are included in this definition under Subsection (i). This list of examples is not as broad as the activities listed under Subsection (ii)(B) as it pertains to the allowable use of motorized vehicles. In addition, some, but not all of the examples listed in Subsection (i) are included in the definition of “recreational activity.” Is it the intent of the Department for the definitions of “outdoor recreation” and “recreational activity” to be consistent with each other? If so, we recommend that the definition of “outdoor recreation” be amended to track the definition of “recreational activity.” In the alternative, the definition of “outdoor recreation” could be amended to include a specific reference to “recreational activity.”

## 4. Section 137b.12. Agricultural use.—Implementation procedures; Clarity.

Example 1 includes the following sentence: “The horses are occasionally pastured, bred and sold.” Inclusion of the word “occasionally” makes this example unclear and difficult to administer in a consistent manner. We recommend that it be deleted and replaced with a more definitive threshold.

## 5. Section 137b.51. Assessment procedures.—Consistency with the intent of the General Assembly; Implementation procedures.

The Department is adding Subsection (g), pertaining to valuation of farmstead land, to help implement Act 235 of 2004 and to clarify how farmstead land is to be treated under the Act. A commentator is concerned that this new language, and new language being added to §§ 137b.15(b) and 137b.51(c), does not expressly recognize the intent of §§ 3(g) and 4.2(d) of the Act. 72 P. S. §§ 5490.3(g) and 5490.4b(d). The commentator believes that the proposed regulation should recognize that the requirements for preferential assessment of farmstead land under the Act are not conditioned by enactment of an ordinance by the county commissioners. In the alternative, the commentator states that the rulemaking should expressly recognize the legal effect of the county’s enactment of an ordinance for farmstead land as expanding the scope of farmstead land within agricultural reserve or forest reserve areas to receive preferential assessment beyond what is already required under the Act. In the Preamble to the final-form regulation, we ask the Department to explain how the cited sections of the proposed regulation will be implemented and how these provisions are consistent with the Act.

## 6. Section 137b.72. Direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit.—Clarity.

Subsection (b) pertains to roll-back taxes and status of preferential assessment. One commentator has asked if the half acre or less of enrolled land referenced in Paragraph (2) includes ingress, egress and parking areas. Another commentator has asked what is meant by the phrase “direct commercial sales.” We ask the Department to clarify in the final-form regulation how the half acre is to be calculated and what is meant by “direct commercial sales.”

**7. Section 137b.73a. Gas, oil and coal bed methane.—Clarity.**

Commentators have questioned the clarity of Examples 3 and 4 under Subsection (b). Specifically, they ask if the referenced 50% is a threshold that triggers the prohibition on imposing roll-back taxes. We suggest that these examples be clarified in the final-form regulation.

**8. Section 137b.73b. Temporary leases for pipe storage yards.—Implementation procedures; Clarity.**

This new section allows the owner of land enrolled in the Clean and Green Program to temporarily lease a portion of the land for pipe storage. A commentator has asked for guidance on the treatment of the land after the lease expires. Would the land that was leased continue to be assessed at fair market value after the expiration of the lease, or would it automatically revert to use value for taxing purposes? We ask the Department to include language in the final-form regulation that to address this situation.

**9. Section 137b.81. General.—Consistency with the intent of the General Assembly; Implementation procedures; Clarity.**

This section of the Department's regulations explains

how roll-back taxes are to be administered. A commentator is concerned with the new language that is proposed to be added to this section, specifically the commentator notes that the phrase "in accordance with applicable sections of the act" creates confusion relating to the legal effects of roll-back taxes and events that would require the payment of such taxes. We agree and ask the Department to clarify this provision.

The commentator also asserts that the remainder of the new language in this section is inconsistent with Section 6 (a.3) of the Act. 72 P.S. § 5490.6(a.3). As noted in our first comment regarding determining if the regulation is in the public interest, the Preamble does not explain why the Department is adding language to this section or the effect it will have on the regulated community. We ask the Department to provide a detailed explanation of why this language is being added and how it is consistent with the intent of the General Assembly and in the public interest.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1970. Filed for public inspection October 18, 2013, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-293	Pennsylvania Public Utility Commission Paper Copy and Electronic Copy Filing Requirements	10/3/13	11/7/13
7-478	Environmental Quality Board Air Quality Title V Fee Amendment	10/3/13	11/7/13
7-481	Board of Coal Mine Safety Maintenance of Incombustible Content of Rock Dust	10/4/13	11/7/13

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1971. Filed for public inspection October 18, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Sean Shurelds; file no. 13-130-145974; Safe Auto Insurance Company; Doc. No. P13-10-001; November 13, 2013, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage

obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1972. Filed for public inspection October 18, 2013, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-13-007, Dated September 9, 2013. Authorizes the side letter with AFSCME that provides for a \$2,000 Professional Land Surveyor licensure payment and \$1,000 Surveyor-In-Training certificate payment. These payments provide incentive for employees to attain these licensures/certificates, establishing a more diversified workforce. The Resolution also authorizes these payments for management/non-represented employees.

Resolution No. CB-13-008, Dated September 9, 2013. Authorizes the side letter with AFSCME that provides for a \$1,000 Geologist-In-Training certificate payment. These payments provide incentive for employees to attain these certifications, establishing a more diversified workforce. The Resolution also authorizes these payments for management/non-represented employees.

#### *Governor's Office*

Manual No. 530.3—Group Life Insurance Program Manual, Amended September 19, 2013.

Management Directive No. 525.6—Payroll Advances, Amended September 16, 2013.

Management Directive No. 530.32—Group Life Insurance Program, Dated September 19, 2013.

Administrative Circular No. 13-13—2014-2015 Program Policy Guidelines, Dated August 30, 2013.

Administrative Circular No. 13-14—Holidays—2014, Dated September 6, 2013.

Administrative Circular No. 13-15—SAP Accounting Code Changes: Creation of Budget Period and Removal of Fiscal Year from SAP Funds, Dated September 20, 2013.

Administrative Circular No. 13-16—Office Relocations within the Office of the Budget, Dated September 20, 2013.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 13-1973. Filed for public inspection October 18, 2013, 9:00 a.m.]

## PENNSYLVANIA ALZHEIMER'S DISEASE PLANNING COMMITTEE

### Public Meeting

The Pennsylvania Alzheimer's Disease Planning Committee (Committee), created by Executive Order 2013-01, will be holding a public meeting on Friday, October 25, 2013. The meeting will begin at 1:30 p.m. at the Rachel Carson State Office Building, Room 105 (First Floor), 400 Market Street, Harrisburg, PA 17101.

Residents, local government officials and organizations in this Commonwealth who are interested in listening to discussion on current Committee activities are welcome to attend. For information on the Committee, visit [www.aging.state.pa.us](http://www.aging.state.pa.us).

BRIAN M. DUKE,  
*Chairperson*

[Pa.B. Doc. No. 13-1974. Filed for public inspection October 18, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made

with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 4, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2013-2379479. LB Limousine Services, LLC** (123 Hamilton Street, Allentown, PA 18101) persons, in limousine service, from points in the County of Lehigh, Lehigh Valley International Airport located in the Township of Hanover, Lehigh County.

**A-2013-2379860. Capital Health, Inc.** (465 Pike Road, Huntingdon Valley, Montgomery County, PA 19006) persons in paratransit service, from points in the Counties of Bucks, Montgomery, Chester, Delaware and the City and County of Philadelphia to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2013-2380822. Lake Harmony Turismo, LLC** (HC 1, Box 59, North Old Stage Road, Albrightsville, PA 18210) for the right to begin to transport, as a common carrier by motor vehicle, persons in group and party service, in vehicles seating 11-15 passengers including the driver, from points in Carbon and Monroe Counties, to points in Pennsylvania, and return.

**A-2013-2380846. Bella Transportation, LLC, t/a Bella Luxury Limousine** (P. O. Box 1805, Allentown, PA 18105) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Berks, Bucks, Carbon, Monroe, Montgomery and Schuylkill to points in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority.

**A-2013-2380870. Central PA Transport, LLC** (475 West Market Street, Suite 1, York, PA 17401) for the right to begin to transport, as a common carrier by motor vehicle, persons in paratransit service, from points in Dauphin, Lancaster and York Counties, to all County, State and Federal correctional institutions located in Pennsylvania, and return.

**A-2013-2380882. Little Driver Chauffer Services, LLC, t/a Advantage Chauffer Services** (162 Lindfield Circle, Macungie, Lehigh County, PA 18062) persons in limousine service, between points in Pennsylvania, excluding service under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Matthew D. O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18108.

**A-2013-2380929. Shakeel Imran** (1403 Norwood House Road, Downingtown, Chester County, PA 19335) persons in limousine service, between points in the Counties of Chester, Delaware and Montgomery.

**A-2013-2382310. Ambulance Service of America, Inc. t/a ASA Medical Transport** (13440 Damar Drive, Unit F, Philadelphia, PA 19116) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and the City and

County of Philadelphia to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1975. Filed for public inspection October 18, 2013, 9:00 a.m.]

**2014 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102**

The regulation promulgated by the Pennsylvania Public Utility Commission (Commission) at 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) directs the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2014 schedule of filing dates is as follows:

February 1, 2014: National Fuel Gas Distribution Corporation—PA Division; Peoples TWP

March 1, 2014: Philadelphia Gas Works

April 1, 2014: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2014: UGI Penn Natural Gas, Inc.; PECO—Gas Division; UGI Central Penn; UGI Utilities, Inc.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1976. Filed for public inspection October 18, 2013, 9:00 a.m.]

**Water Service**

**A-2013-2387044. Aqua Pennsylvania, Inc.—Pickering Crossing.** Application of Aqua Pennsylvania, Inc.—Pickering Crossing for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Charlestown Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 4, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1977. Filed for public inspection October 18, 2013, 9:00 a.m.]



# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-087.P, Request for Proposal for Marine Engineering Services, Pier 78S Marine Repair Design, until 2 p.m. on Thursday, November 21, 2013. 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. 13-1978. Filed for public inspection October 18, 2013, 9:00 a.m.]

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# THADDEUS STEVENS COLLEGE OF TECHNOLOGY

## Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 13-0006 for a project manager of a manufacturing workforce training center. Bid documents can be obtained from Nancy Froeschle, (717) 299-7787, fax 391-3557 or [froeschle@stevenscollege.edu](mailto:froeschle@stevenscollege.edu).

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 13-1979. Filed for public inspection October 18, 2013, 9:00 a.m.]

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