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PENNSYLVANIA BULLETIN

Volume 45
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Agencies in this issue

The Courts
Capitol Preservation Committee
Department of Banking and Securities
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Board of Nursing
Susquehanna River Basin Commission

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

No. 492, November 2015

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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.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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.

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Printing Format

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

Fiscal Notes

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

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

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

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THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ARTS. VIII AND IX]

Proposed Amendment of Pa.R.E. 803(6), (8), (10) with Revision of the Comment to Pa.R.E. 803(7) and New Pa.R.E. 902(13)

Proposed amendment of Pa.R.E. 803(6), (8), (10) with revision of the Comment to Pa.R.E. 803(7) and new Pa.R.E. 902(13) governing exceptions to the rule against hearsay are being published for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Counsel
Committee on Rules of Evidence
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717.231.9536
evidencerules@pacourts.us

All communications in reference to the proposal should be received by January 8, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on
Rules of Evidence*

THOMAS W. DOLGENOS, Esq.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803(6). Records of a Regularly Conducted Activity.

(6) *Records of a Regularly Conducted Activity.* A record (which includes a memorandum, report, or data compilation in any form) of an act, event or condition if [,]:

(A) the record was made at or near the time by—or from information transmitted by—someone with knowledge;

(B) the record was kept in the course of a regularly conducted activity of a “business”, which term includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit;

(C) making the record was a regular practice of that activity;

(D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and

(E) [**neither**] **the opponent does not show that** the source of information [**nor**] **or** other circumstances indicate a lack of trustworthiness.

Comment

Pa.R.E. 803(6) differs from F.R.E. 803(6). One difference is that Pa.R.E. 803(6) defines the term “record.” In the Federal Rules this definition appears at F.R.E. 101(b). Another difference is that Pa.R.E. 803(6) applies to records of an act, event or condition, but does not include opinions and diagnoses. This is consistent with prior Pennsylvania case law. *See Williams v. McClain*, [**513 Pa. 300**,] 520 A.2d 1374 (Pa. 1987); *Commonwealth v. DiGiacomo*, [**463 Pa. 449**,] 345 A.2d 605 (Pa. 1975). A third difference is that Pa.R.E. 803(6) allows the court to exclude business records that would otherwise qualify for exception to the hearsay rule if [**neither**] the “source of information [**nor**] **or** other circumstances indicate lack of trustworthiness.” The Federal Rule allows the court to do so only if [**neither**] **either** “the source of information [**nor**] **or** the method or circumstances of preparation indicate a lack of trustworthiness.”

If offered against a defendant in a criminal case, an entry in a record may be excluded if its admission would violate the defendant’s constitutional right to confront the witnesses against him or her[. *See*], *see Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009); **however, forensic laboratory reports may be admissible in lieu of testimony by the person who performed the analysis or examination that is the subject of the report, see Pa.R.Crim.P. 574.**

Rule 803(7). Absence of a Record of a Regularly Conducted Activity (Not Adopted).

(7) *Absence of a Record of a Regularly Conducted Activity (Not Adopted)*

Comment

Pennsylvania has not adopted F.R.E. 803(7) which provides:

Evidence that a matter is not included in a record described in [**paragraph (6)**] [**F.R.E. 803(6)**] if:

(A) the evidence is admitted to prove that the matter did not occur or exist; [**and**]

(B) a record was regularly kept for a matter of that kind; and

(C) [**neither**] **the opponent does not show that** the possible source of the information [**nor**] **or** other circumstances indicate a lack of trustworthiness.

Principles of logic and internal consistency have led Pennsylvania to reject this rule. The absence of an entry in a record is not hearsay, as defined in Pa.R.E. 801(c). Hence, it appears irrational to except it to the hearsay rule.

On analysis, absence of an entry in a business record is circumstantial evidence—it tends to prove something by implication, not assertion. Its admissibility is governed by principles of relevance, not hearsay. *See* Pa.R.E. 401, *et seq.*

Pennsylvania law is in accord with the object of F.R.E. 803(7), *i.e.*, to allow evidence of the absence of a record of an act, event, or condition to be introduced to prove the nonoccurrence or nonexistence thereof, if the matter was one which would ordinarily be recorded. *See Klein v. F.W. Woolworth Co.*, [309 Pa. 320,] 163 A. 532 (Pa. 1932) (absence of person's name in personnel records admissible to prove that he was not an employee). *See also Stack v. Wapner*, [244 Pa. Super. 278,] 368 A.2d 292 (Pa. Super. 1976).

Rule 803(8). Public Records [(Not Adopted)].

[(8) *Public Records (Not Adopted)*]

Comment

Pennsylvania has not adopted F.R.E. 803(8). An exception to the hearsay rule for public records is provided by 42 Pa.C.S. § 6104 which provides:

(a) *General rule.*—A copy of a record of governmental action or inaction authenticated as provided in section 6103 (relating to proof of official records) shall be admissible as evidence that the governmental action or inaction disclosed therein was in fact taken or omitted.

(b) *Existence of facts.*—A copy of a record authenticated as provided in section 6103 disclosing the existence or nonexistence of facts which have been recorded pursuant to official duty or would have been so recorded had the facts existed shall be admissible as evidence of the existence or nonexistence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.

Subsection (b) of the statute is limited to “facts.” It does not include opinions or diagnoses. This is consistent with Pa.R.E. 803(6), and Pennsylvania case law. *See* Comment to Pa.R.E. 803(6).]

(8) *Public Records.* A record of a public office if:

(A) the record describes the facts of the action taken or matter observed;

(B) the recording of this action or matter observed was an official public duty; and

(C) the opponent does not show that the source of the information or other circumstances indicate a lack of trustworthiness.

Comment

Pa.R.E. 803(8) differs from F.R.E. 803(8) insofar as it reflects the hearsay exception for public records provided in 42 Pa.C.S. § 6104. *See* Rules 901(b)(7), 902(1)—(4) and 42 Pa.C.S. §§ 5328, 6103, and 6106 for authentication of public records.

Rule 803(10). [Absence] Non-Existence of a Public Record [(Not Adopted)].

[(10) *Absence of a Public Record (Not Adopted)*]

Comment

Pennsylvania has not adopted F.R.E. 803(10) for the same reasons that it did not adopt F.R.E. 803(7). *See* Comment to Pa.R.E. 803(7).

42 Pa.C.S. § 6104(b), provides for admissibility of evidence of the absence of an entry in a public record to prove the nonexistence of a fact:

(b) *Existence of facts.*—A copy of a record authenticated as provided in section 6103 disclosing the . . . nonexistence of facts which . . . would have been . . . recorded had the facts existed shall be admissible as evidence of the . . . nonexistence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.

Pennsylvania also has a complementary statute, 42 Pa.C.S. § 5328, entitled “Proof of Official Records,” which provides, in pertinent part:

(d) *Lack of record.*—A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in this section in the case of a domestic record, or complying with the requirements of this section for a summary in the case of a record in a foreign country, is admissible as evidence that the records contain no such record or entry.]

(10) *Non-Existence of a Public Record.* Testimony—or a certification—that a diligent search failed to disclose a public record if:

(A) the testimony or certification is admitted to prove that

(i) the record does not exist; or

(ii) a matter did not occur or exist, if a public office regularly kept a record for a matter of that kind.

(B) in a criminal case:

(i) the attorney for the Commonwealth who intends to offer a certification files and serves written notice of that intent upon the defendant's attorney or, if unrepresented, the defendant, at least 20 days before trial; and

(ii) defendant's attorney or, if unrepresented, the defendant, does not file and serve a written demand for testimony in lieu of the certification within 10 days of service of the notice.

Comment

Pa.R.E. 803(10)(A) differs from F.R.E. 803(10)(A) insofar as it does not include “statements.” This rule is consistent with Pennsylvania law. *See* 42 Pa.C.S. §§ 5328(d) and 6103(b). *See also* Pa.R.E. 902(13) (authentication of certificate).

Pa.R.E. 803(10)(B) differs from F.R.E. 803(10)(B) insofar as it is made consistent with aspects of Pa.R.Crim.P. 574. Like the federal rule, this rule is intended to provide a mechanism for a defendant to exercise the constitutional right to confront the witnesses against him or her. *See Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). Nothing in this evidentiary rule is intended to supersede procedural requirements within the Pennsylvania Rules of Criminal Procedure, *see, e.g.*, Pa.R.Crim.P. 576 (Filing and Service by Parties), or limit the ability of the court to extend the time periods contain herein.

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective

tive immediately; Comment revised March 10, 2000, effective immediately; Comment revised May 16, 2001, effective July 1, 2001; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; amended , effective .

Committee Explanatory Reports:

Final Report explaining the March 23, 1999 technical revisions to the Comment for paragraph 25 published with the Court’s Order at 29 Pa.B. 1714 (April 3, 1999).

Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court’s Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court’s Order at 31 Pa.B. 2789 (June 2, 2001).

Final Report explaining the November 2, 2001 amendments to paragraph 6 published with the Court’s Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the , 2015 amendments to paragraph 6, 8, 10, and revision of the Comment for paragraph 7 published with the Court’s Order at Pa.B. (, 2015).

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 902. Evidence That is Self-Authenticating.

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

* * * * *

(12) *Certified Foreign Records of a Regularly Conducted Activity.* In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification rather than complying with a statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

(13) *Certificate of Non-Existence of a Public Record*—A certificate that a document was not recorded or filed in a public office as authorized by law if certified by the custodian or another person authorized to make the certificate.

Comment

* * * * *

Pa.R.E. 902(11) and (12) permit the authentication of domestic and foreign records of regularly conducted activity by verification or certification. Pa.R.E. 902(11) is similar to F.R.E. 902(11). The language of Pa.R.E. 902(11) differs from F.R.E. 902(11) in that it refers to Pa.R.C.P. No. 76 rather than to Federal law. Pa.R.E. 902(12) differs from F.R.E. 902(12) in that it requires compliance with a Pennsylvania statute rather than a Federal statute.

Pa.R.E. 902(13) has no counterpart in the Federal Rules. This rule provides for the self-authentication of a certificate of the non-existence of a public record, as provided in Pa.R.E. 803(10).

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2001, effective January 1, 2002; amended February 23, 2004, effective May 1, 2004; rescinded and replaced January 17, 2013, effective March 18, 2013; amended , effective .

Committee Explanatory Reports:

Final Report explaining the November 2, 2001 amendments adding paragraphs (11) and (12) published with Court’s Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the February 23, 2004 amendment of paragraph (12) published with Court’s Order at 34 Pa.B. 1429 (March 13, 2004).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the , 2015 addition of paragraph 13 published with the Court’s Order at Pa.B. (, 2015).

REPORT

Proposed Amendment of Pa.R.E. 803(6), (8), (10) with Revision of the Comment to Pa.R.E. 803(7) and New-Pa.R.E. 902(13)

In 1998, the Court adopted the Pennsylvania Rules of Evidence. These rules incorporated the structure, format, and language of the Federal Rules of Evidence where identical or similar. Where the law of evidence differed, the rules were modified to reflect Pennsylvania evidentiary law. Within Article VIII, there were eight provisions of the Federal Rules that were not incorporated into the Pennsylvania Rules, including F.R.E. 803(6)—(8), and (10). Instead, these provisions were “reserved” to maintain parallel numbering between the two bodies of rules. Additionally, some of the Comments to these “reserved” or “unadopted” provisions provided reference to case law or statute on the topic.

Effective December 1, 2014, F.R.E. 803(6)—(8) were amended:

[T]o clarify that if the proponent has established the stated requirements of the exception—regular business with regularly kept record, source with personal knowledge, record made timely, and foundation testimony or certification—then the burden is on the opponent to show a lack of trustworthiness. While most courts have imposed that burden on the opponent, some have not. It is appropriate to impose the burden of proving untrustworthiness on the opponent, as the basic admissibility requirements are sufficient to establish a presumption that the record is reliable.

The opponent, in meeting its burden, is not necessarily required to introduce affirmative evidence of untrustworthiness. For example, the opponent might argue that a record was prepared in anticipation of litigation and is favorable to the preparing party without needing to introduce evidence on the point. A determination of untrustworthiness necessarily depends on the circumstances.

28 U.S.C. app. F.R.E. Committee Notes on Rules—2014 Amendment.

Effective December 1, 2013, F.R.E. 803(10) was amended:

in response to *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). The *Melendez-Diaz* Court declared that a testimonial certificate could be admitted if the

accused is given advance notice and does not timely demand the presence of the official who prepared the certificate. The amendment incorporate[d], with minor variations, a “notice-and-demand” procedure that was approved by the *Melendez-Diaz* Court. See Tex. 36 Code Crim. P. Ann., art. 38.41.

28 U.S.C. app. F.R.E. Committee Notes on Rules—2013 Amendment.

These amendments prompted the Committee on Rules of Evidence to undertake an evaluation of the “reserved” Pennsylvania Rules of Evidence to identify whether any changes were warranted. As a result of this review, the Committee proposes amendment to Pa.R.E. 803(6), (8), and (10) with a revision to the Comment to Pa.R.E. 803(7) and new-Pa.R.E. 902(13).

Pennsylvania Rule of Evidence 803(6)

Prior to the restyling of the rules, 43 Pa.B. 620 (February 2, 2013), the Comment to Pa.R.E. 803(6) stated:

Pa.R.E. 803(6) places the burden on an opposing party to show that the sources of information or other circumstances indicate that a business record is untrustworthy, and thus does not qualify for exception to the hearsay rule. The statute places the burden on the proponent of the evidence to show circumstantial trustworthiness.

The restyled rule did not carry over the above-Comment because it was not clear that the rule text placed the burden on the proponent. Moreover, 42 Pa.C.S. § 6108 did not specifically assign the burden of proving untrustworthiness on the opponent—that was inferred from the burden of proving trustworthiness on the proponent.¹ In *Folger v. Dugan*, 876 A.2d 1049, 1056 (Pa. Super. 2005), the Superior Court cited the Comment to Rule 803(6) when it stated: “Appellants bear the burden of demonstrating lack of trustworthiness.” However citing a case in the Comment that cited the Comment to establish the burden shift was believed to be tautological. Therefore, the restyled rule remained silent on the burden of proving untrustworthiness.

Notwithstanding the lack of authority on the subject, the Committee renews its previously held belief that the proponent has the burden of proving Pa.R.E. 803(6)(A)—(D), which establish circumstantial evidence that a record is trustworthy given the manner in which it is created and maintained. Once this burden has been satisfied, the burden shifts to the opponent to show a lack of trustworthiness. Apportioning the burden eliminates a possible construction where the proponent would be required to prove both trustworthiness and the lack of untrustworthiness.

Given that this represents a definitive burden shift between the parties, the Committee recommends it be codified in the rule text rather than be re-inserted as interpretative guidance in the form of a Comment. Additionally, this amendment would be consistent with the recent amendment of F.R.E. 803(6). The Committee also favors expansion of the Comment to provide reference to Pa.R.Crim.P. 574.

¹ The operative aspect of this statute states:

General Rule.—A record of an act, condition or even shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business at or near the time of the act, condition or event, and if, in the opinion of the tribunal, the sources of information, method and time of preparation were such as to justify its admission.

42 Pa.C.S. § 6108(b).

Pennsylvania Rule of Evidence 803(7)

The amendment of F.R.E. 803(7) prompted the Committee to reevaluate the Comment to Pa.R.E. 803(7), which contains the original rationale for not adopting a rule concerning the absence of a business record. First, unlike a public record, it should be recognized that neither Pennsylvania rule, common law, nor statute provide for the use of a certificate as conclusive proof of the absence of a business record. Second, as indicated in the Comment, documentary evidence to show the non-existence of a fact is merely circumstantial. For example, a proponent might have once used the absence of an entry in a telephone book as circumstantial evidence to prove that a person did not have a telephone. Of course, testimonial evidence from a custodian or other qualified witness about their personal knowledge of a compendium of business records and whether a particular record existed is not hearsay and not subject to Article VIII.

For these reasons, the Committee does not favor proposing a rule similar to F.R.E. 803(7). The Committee does favor making a correlative revision to the Comment to reflect the amendment of F.R.E. 803(7). Readers should note that the proposed bracketed citation to F.R.E. 803(6) is intend to indicate an alteration from the original text rather than a proposed deletion.

Pennsylvania Rule of Evidence 803(8)

When the Pennsylvania Rules of Evidence were first prepared in 1998, rules pertaining to the exclusion of public records from the hearsay rule were not adopted. Rather, the Comments to “reserved” Pa.R.E. 803(8) and Pa.R.E. 803(10) block quoted statutory provisions.

The Committee believes that the bench and bar would benefit from having the provisions of the statutes incorporated and organized into the rule text. However, in doing so, the Committee does not intend to make any substantive change from the statutory provisions. Therefore, the Committee is not recommending verbatim adoption of F.R.E. 803(8). Further, the Comment to the rule would be revised to eliminate the block quotations and add references to authentication provisions. Finally, the Committee believes that codification within Pa.R.E. 803(8) would be preferred given the proposed changes to Pa.R.E. 803(10).

Pennsylvania Rule of Evidence 803(10)

Under the F.R.E. 803(10), the absence of a public record can be proven by a certificate of non-existence of record (CNR). A CNR is an exception to the hearsay rule in so much as it does not require the testimony of a witness who conducted the record search. “A substantial majority of courts have held since *Melendez-Diaz* that clerk certifications attesting to the nonexistence of a public record are testimonial statements subject to confrontation.” *State v. Jasper*, 271 P.3d 876, 886 (Wash. 2012). In reaction to a growing body of case law, F.R.E. 803(10) was amended December 1, 2013 to provide for a simple notice-and-demand procedure for the admission of CNRs.

In 1998, Pennsylvania did not adopt a corresponding Pa.R.E. 803(10); instead, the Comment to “reserved” Pa.R.E. 803(10) referred to existing statutes admitting such evidence. The stated rationale for not adopting a rule like F.R.E. 803(10) was the same reason that Pa.R.E. 803(7) was not adopted—this type of evidence was not considered hearsay.

Preliminarily, the proof of the absence of a public record can be distinguished from the proof of the absence of a business record. The former can be conclusively proven by documentary evidence (*i.e.*, certification) while the later

cannot. Next, the Committee is not persuaded that a written certification that there is no record is anything but an assertion—it is a statement for the truth of the matter asserted (*i.e.*, there is no record). Therefore, these certifications of the non-existence of public records are hearsay.

Given this conclusion, the Committee does not believe that the rationale in the Comment to Pa.R.E. 803(7) should continue to be incorporated into the Comment to Pa.R.E. 803(10). Consequently, the Committee favors removal of this statement from the Comment. Further, the Committee favors adoption of the language from F.R.E. 803(10)(A) because it is consistent with the statutory provisions concerning the absence of a public record.

The Committee also recommends inclusion of the concept set forth in F.R.E. 803(10)(B) concerning “notice and demand” in criminal proceedings into the rule text. However, the structure and language were modified to maintain consistency with Pa.R.Crim.P. 574 (Forensic Laboratory Report; Certification In Lieu of Expert Testimony). The Committee believes such a provision is necessary otherwise the rule may be unconstitutional in cases where a defendant had a right of confrontation.

Pennsylvania Rule of Evidence 902(13)

F.R.E. 803(10) includes “a certification under Rule 902.” Upon review of Pa.R.E. 902, the Committee cannot discern a provision clearly applicable to the self-authentication of a certificate that a public record does not exist. Rules 902(1)—(4) all apply to public documents that exist, but the Committee does not favor a strained interpretation of these provisions to extend to non-existent public records. Therefore, the Committee proposes new-Pa.R.E. 902(13) to specifically provide for self-authentication of these certificates.

The Committee invites all comments, objections, and suggestions concerning this proposal.

[Pa.B. Doc. No. 15-1956. Filed for public inspection November 6, 2015, 9:00 a.m.]

[225 PA. CODE ART. VIII]

Proposed Amendment of Pa.R.E. 803.1 and Pa.R.E. 804

The proposed amendment of Pa.R.E. 803.1 governing the exclusion from the rule against hearsay of a prior statement by declarant-witness claiming an inability to remember the subject matter of the statement, together with correlative amendment of Pa.R.E. 804, is being republished for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Counsel
Committee on Rules of Evidence
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717.231.9536
evidencerules@pacourts.us

All communications in reference to the proposal should be received by January 8, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on
Rules of Evidence*

THOMAS W. DOLGENOS, Esq.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803.1. Exceptions to the Rule Against Hearsay—Testimony of Declarant Necessary.

The following statements are not excluded by the rule against hearsay if the declarant testifies and is subject to cross-examination about the prior statement:

Comment

A witness must be subject to cross-examination regarding the prior statement. See *Commonwealth v. Romero*, 722 A.2d 1014, 1017-1018 (Pa. 1999) (witness was not available for cross-examination when witness refused to answer questions about prior statement); see also *In re N.C.*, 105 A.3d 1199 (Pa. 2014) (unresponsive witness not available for effective cross-examination as required by the Confrontation Clause); *U.S. v. Owens*, 484 U.S. 554, 562 (1988) (“Ordinarily a witness is ‘subject to cross-examination’ when he is placed on the stand, under oath, and responds willingly to questions.”).

(1) *Prior Inconsistent Statement of Declarant-Witness.* A prior statement by a declarant-witness that is inconsistent with the declarant-witness’s testimony and:

(A) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition;

(B) is a writing signed and adopted by the declarant; or

(C) is a verbatim contemporaneous electronic, audiotaped, or videotaped recording of an oral statement.

Comment

The Federal Rules treat statements corresponding to Pa.R.E. 803.1(1) and (2) as “not hearsay” and places them in F.R.E. 801(d)(1)(A) and (C). Pennsylvania follows the traditional approach that treats these statements as exceptions to the hearsay rule if the declarant testifies at the trial.

Pa.R.E. 803.1(1) is consistent with prior Pennsylvania case law. See *Commonwealth v. Brady*, [510 Pa. 123,] 507 A.2d 66 (Pa. 1986) (seminal case that overruled close to two centuries of decisional law in Pennsylvania and held that the recorded statement of a witness to a murder, inconsistent with her testimony at trial, was properly admitted as substantive evidence, excepted to the hearsay rule); *Commonwealth v. Lively*, [530 Pa.

464,] 610 A.2d 7 (Pa. 1992). In *Commonwealth v. Wilson*, [550 Pa. 518,] 707 A.2d 1114 (Pa. 1998), the Supreme Court held that to be admissible under this rule an oral statement must be a verbatim contemporaneous recording in electronic, audiotaped, or videotaped form.

An inconsistent statement of a witness that does not qualify as an exception to the hearsay rule may still be introduced to impeach the credibility of the witness. See Pa.R.E. 613.

(2) *Prior Statement of Identification by Declarant-Witness.* A prior statement by a declarant-witness identifying a person or thing, made after perceiving the person or thing, provided that the declarant-witness testifies to the making of the prior statement.

Comment

Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(2) as an exception to the hearsay rule. F.R.E. 801(d)(1)(C) provides that such a statement is not hearsay. This differing organization is consistent with Pennsylvania law.

Pa.R.E. 803.1(2) differs from F.R.E. 801(d)(1)(C) in several respects. It requires the witness to testify to making the identification. This is consistent with Pennsylvania law. See *Commonwealth v. Ly*, 599 A.2d 613 (Pa. 1991). The Pennsylvania rule includes identification of a thing, in addition to a person.

(3) *Recorded Recollection of Declarant-Witness.* A memorandum or record made or adopted by a declarant-witness that:

(A) is on a matter the declarant-witness once knew about but now cannot recall well enough to testify fully and accurately;

(B) was made or adopted by the declarant-witness when the matter was fresh in his or her memory; and

(C) the declarant-witness testifies accurately reflects his or her knowledge at the time when made.

If admitted, the memorandum or record may be read into evidence and received as an exhibit, but may be shown to the jury only in exceptional circumstances or when offered by an adverse party.

Comment

Pa.R.E. 803.1(3) is similar to F.R.E. 803(5), but differs in the following ways:

1. Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(3) as an exception to the hearsay rule in which the testimony of the declarant is necessary. F.R.E. 803(5) treats this as an exception regardless of the availability of the declarant. This differing organization is consistent with Pennsylvania law.

2. Pa.R.E. 803.1(3)(C) makes clear that, to qualify a recorded recollection as an exception to the hearsay rule, the witness must testify that the memorandum or record correctly reflects the knowledge that the witness once had. In other words, the witness must vouch for the reliability of the record. The Federal Rule is ambiguous on this point and the applicable federal cases are conflicting.

3. Pa.R.E. 803.1(3) allows the memorandum or record to be received as an exhibit, and grants the

trial judge discretion to show it to the jury in exceptional circumstances, even when not offered by an adverse party.

Pa.R.E. 803.1(3) is consistent with Pennsylvania law. See *Commonwealth v. Cargo*, 444 A.2d 639 (Pa. 1982).

(4) *Prior Statement by a Declarant-Witness Who Claims an Inability to Remember the Subject Matter of the Statement.* A prior statement by a declarant-witness who testifies to an inability to remember the subject matter of the statement, if the court finds the claimed inability to remember is unsubstantiated and the statement:

(A) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition;

(B) is a writing signed and adopted by the declarant; or

(C) is a verbatim contemporaneous electronic, audiotaped, or videotaped recording of an oral statement.

Comment

Pa.R.E. 803.1(4) has no counterpart in the Federal Rules of Evidence. It is intended to permit the admission of a prior statement given under demonstrably reliable and trustworthy circumstances, see, e.g., *Commonwealth v. Hanible*, 30 A.3d 426, 445 n. 15 (Pa. 2011), when the declarant-witness feigns memory loss about the subject matter of the statement. The purpose of this hearsay exception is to protect against the "turncoat witness" who once provided a statement, but now seeks to deprive the use of this evidence at trial.

A prior statement made by a declarant-witness having genuine memory loss about the subject matter of the statement, but able to testify that the statement accurately reflects his or her knowledge at the time it was made, may be admissible under Pa.R.E. 803.1(3). Otherwise, when a declarant-witness has a genuine or unsubstantiated memory loss about the subject matter of the statement, see Pa.R.E. 804(a)(3).

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000; rescinded and replaced January 17, 2013, effective March 18, 2013; amended _____, effective _____.

Committee Explanatory Reports:

Final Report explaining the amendment to paragraph (1) and the updates to the Comment to paragraph (1) published with the Court's Order at 30 Pa.B. 1645 (March 25, 2000).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the revision of the Comment and addition of paragraph (4) published with the Court's Order at Pa.B. _____ (_____, 2015).

Rule 803.1(2). [Prior Statement of Identification] (Reserved).

[(2) *Prior Statement of Identification by Declarant-Witness.* A prior statement by a declarant-witness identifying a person or thing, made after

perceiving the person or thing, provided that the declarant-witness testifies to the making of the prior statement.

Comment

Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(2) as an exception to the hearsay rule. F.R.E. 801(d)(1)(C) provides that such a statement is not hearsay. This differing organization is consistent with Pennsylvania law.

Pa.R.E. 803.1(2) differs from F.R.E. 801(d)(1)(C) in several respects. It requires the witness to testify to making the identification. This is consistent with Pennsylvania law. *See Commonwealth v. Ly*, 528 Pa. 523, 599 A.2d 613 (1991). The Pennsylvania rule includes identification of a thing, in addition to a person.]

Rule 803.1(3). [Recorded Recollection] (Reserved).

[(3) *Recorded Recollection of Declarant-Witness*. A memorandum or record made or adopted by a declarant-witness that:

(A) is on a matter the declarant-witness once knew about but now cannot recall well enough to testify fully and accurately;

(B) was made or adopted by the declarant-witness when the matter was fresh in his or her memory; and

(C) the declarant-witness testifies accurately reflects his or her knowledge at the time when made.

If admitted, the memorandum or record may be read into evidence and received as an exhibit, but may be shown to the jury only in exceptional circumstances or when offered by an adverse party.

Comment

Pa.R.E. 803.1(3) is similar to F.R.E. 803(5), but differs in the following ways:

1. Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(3) as an exception to the hearsay rule in which the testimony of the declarant is necessary. F.R.E. 803(5) treats this as an exception regardless of the availability of the declarant. This differing organization is consistent with Pennsylvania law.

2. Pa.R.E. 803.1(3)(C) makes clear that, to qualify a recorded recollection as an exception to the hearsay rule, the witness must testify that the memorandum or record correctly reflects the knowledge that the witness once had. In other words, the witness must vouch for the reliability of the record. The Federal Rule is ambiguous on this point and the applicable federal cases are conflicting.

3. Pa.R.E. 803.1(3) allows the memorandum or record to be received as an exhibit, and grants the trial judge discretion to show it to the jury in exceptional circumstances, even when not offered by an adverse party.

Pa.R.E. 803.1(3) is consistent with Pennsylvania law. *See Commonwealth v. Cargo*, 498 Pa. 5, 444 A.2d 639 (1982).

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000; rescinded and replaced January 17, 2013, effective March 18, 2013.

Committee Explanatory Reports:

Final Report explaining the amendment to subsection (1) and the updates to the Comment to subsection (1) published with the Court's Order at 30 Pa.B. 1646 (March 25, 2000).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).]

Rule 804. Exceptions to the Rule Against Hearsay—When the Declarant is Unavailable as a Witness.

(a) *Criteria for Being Unavailable.* A declarant is considered to be unavailable as a witness if the declarant:

(1) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;

(2) refuses to testify about the subject matter despite a court order to do so;

(3) testifies to not remembering the subject matter, **except as provided in Rule 803.1(4)**;

(4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or

(5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:

(A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or

(B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this [**subdivision**] **paragraph** (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

Comment

[This rule is identical to F.R.E. 804(a).] Pa.R.E. 804(a)(3) differs from F.R.E. 804(a)(3) in that it **excepts from this rule instances where a declarant-witness's claim of an inability to remember the subject matter of a prior statement is unsubstantiated, provided the statement meets the requirements found in Pa.R.E. 803.1(4). This rule is otherwise identical to F.R.E. 804(a). A declarant-witness with genuine or substantiated memory loss about the subject matter of a prior statement may be subject to this rule.**

Rule 804(b). The Exceptions.

(b) *The Exceptions.* The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

(1) *Former Testimony.* Testimony that:

(A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and

(B) is now offered against a party who had—or, in a civil case, whose predecessor in interest had—an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

Comment

Pa.R.E. 804(b)(1) is identical to F.R.E. 804(b)(1).

In criminal cases the Supreme Court has held that former testimony is admissible against the defendant only if the defendant had a “full and fair” opportunity to examine the witness. *See Commonwealth v. Bazemore*, [531 Pa. 582,] 614 A.2d 684 (Pa. 1992).

Depositions

Depositions are the most common form of former testimony that is introduced at a modern trial. Their use is provided for not only by Pa.R.E. 804(b)(1), but also by statute and rules of procedure promulgated by the Pennsylvania Supreme Court.

The Judicial Code provides for the use of depositions in criminal cases. 42 Pa.C.S. § 5919 provides:

Depositions in criminal matters. The testimony of witnesses taken in accordance with section 5325 (relating to when and how a deposition may be taken outside this Commonwealth) may be read in evidence upon the trial of any criminal matter unless it shall appear at the trial that the witness whose deposition has been taken is in attendance, or has been or can be served with a subpoena to testify, or his attendance otherwise procured, in which case the deposition shall not be admissible.

42 Pa.C.S. § 5325 sets forth the procedure for taking depositions, by either prosecution or defendant, outside Pennsylvania.

In civil cases, the introduction of depositions, or parts thereof, at trial is provided for by Pa.R.C.P. No. 4020(a)(3) and (5).

A video deposition of a medical witness, or any expert witness, other than a party to the case, may be introduced in evidence at trial, regardless of the witness's availability, pursuant to Pa.R.C.P. No. 4017.1(g).

42 Pa.C.S. § 5936 provides that the testimony of a licensed physician taken by deposition in accordance with the Pennsylvania Rules of Civil Procedure is admissible in a civil case. There is no requirement that the physician testify as an expert witness.

Rule 804(b)(2). Statement Under Belief of Imminent Death.

(2) *Statement Under Belief of Imminent Death.* A statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.

Comment

Pa.R.E. 804(b)(2) differs from F.R.E. 804(b)(2) in that the Federal Rule is applicable in criminal cases only if the defendant is charged with homicide. The Pennsylvania Rule is applicable in all civil and criminal cases, subject to the defendant's right to confrontation in criminal cases.

In *Crawford v. Washington*, 541 U.S. 36 (2004), the Supreme Court interpreted the Confrontation Clause in the Sixth Amendment of the United States Constitution to prohibit the introduction of “testimonial” hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule. However, in footnote 6, the Supreme Court said that there may be an exception, *sui generis*, for those dying declarations that are testimonial.

Rule 804(b)(3). Statement Against Interest.

(3) *Statement Against Interest.* A statement that:

(A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and

(B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.

Comment

This rule is identical to F.R.E. 804(b)(3).

Rule 804(b)(4). Statement of Personal or Family History.

(4) *Statement of Personal or Family History.* A statement made before the controversy arose about:

(A) the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or

(B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.

Comment

Pa.R.E. 804(b)(4) differs from F.R.E. 804(b)(4) by requiring that the statement be made before the controversy arose. *See In re McClain's Estate*, [481 Pa. 435,] 392 A.2d 1371 (Pa. 1978). This requirement is not imposed by the Federal Rule.

Rule 804(b)(5). Other exceptions (Not Adopted).

(5) *Other exceptions (Not Adopted)*

Comment

Pennsylvania has not adopted F.R.E. 804(b)(5) (now F.R.E. 807).

Rule 804(b)(6). Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability.

(6) *Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability.* A statement offered against a party that wrongfully caused—or acquiesced in wrongfully causing—the declarant's unavailability as a witness, and did so intending that result.

Comment

This rule is identical to F.R.E. 804(b)(6).

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 10, 2000, effective immediately; rescinded and replaced January 17, 2013, effective March 18, 2013; **amended** , **effective**

Committee Explanatory Reports:

Final Report explaining the March 10, 2000 revision of the Comment to paragraph (b)(4) published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the amendment of paragraph (a)(3) published with the Court's Order at Pa.B. (, 2015).

REPORT

Proposed Amendment of Pa.R.E. 803.1 and Pa.R.E. 804

By notice of proposed rulemaking at 42 Pa.B. 6781 (November 3, 2012), the Committee on Rules of Evidence sought to recommend amendment of Pa.R.E. 803.1(1) to except from the rule against hearsay a prior statement by a witness when the witness is unable to recall the prior statement. The Committee received comments expressing concern that the proposal did not discern between feigned and genuine memory loss. The proposal raised an additional concern as to whether the admission of prior statements by a declarant-witness having a genuine memory loss might implicate a defendant's right of confrontation in a criminal trial.

In light of these concerns, the Committee proposes amendment of Pa.R.E. 803.1 to add new paragraph (4). This amendment is intended to protect against the "turncoat witness" who once provided a statement, but now seeks to deprive the use of this evidence at trial by feigning memory loss. "[T]he unwilling witness often takes refuge in a failure to remember." 3A J. Wigmore, Evidence § 1043, at 1061.

New paragraph (4) would exempt from the hearsay rule certain prior statements when the declarant-witness claims an inability to remember the substance of the statement and the claim is unsubstantiated. Whether the witness's claimed inability to remember is substantiated is a preliminary question to be resolved by the court pursuant to Pa.R.E. 104(a). It is anticipated that claims of memory loss can often be evaluated based upon the witness's demeanor and explanation for the memory loss. Factors in evaluating the genuineness of claimed memory loss may involve:

- The apparent mental acuity of the witness at the time of testimony.
- The extent or selectivity to which memory loss is claimed.
- The existence of an interceding illness, injury, or condition that may affect the witness's ability to recall past matters.
 - The length of time between the matter witnessed and the testimony.
 - Whether the matter witnessed was commonplace or extraordinary.
 - The significance of the matter later impressed upon the witness.
 - The existence of any motive for the witness to feign memory loss.

Additionally, new paragraph (4) would require the prior statement to be given under circumstances identical to paragraph (1). The Court has previously held that hearsay declarations under circumstances such as Rule 803.1(1)(a), (b), and (c) "are demonstrably reliable and trustworthy." *Commonwealth v. Lively*, 610 A.2d 7, 10 (Pa. 1992); see also *Commonwealth v. Chmiel*, 738 A.2d 406, 419 (Pa. 1999) (describing *Lively* as holding that a prior inconsistent statement of a non-party witness may be

used as substantive evidence only if it was given under highly reliable circumstances); *Commonwealth v. Hanible*, 30 A.3d 426, 445 n. 15 (Pa. 2011) (describing Rule 803.1(1) as mirroring *Lively*).

Notwithstanding a witness's claimed memory loss about the subject matter of the prior statement, the witness must still be subject to cross-examination about the statement pursuant to Pa.R.E. 803.1. This requirement is not solely rule-based; it is also a principle recognized in case law and constitutional analysis. Therefore, the Committee proposes a Comment to Pa.R.E. 803.1 referencing cases wherein witnesses have been found to be unavailable for cross-examination.

"Ordinarily a witness is regarded as 'subject to cross-examination' when he is placed on the stand, under oath, and responds willingly to questions." *U.S. v. Owens*, 484 U.S. 554, 561 (1988) (discussing F.R.E. 801(d)(1)(C)). This Committee wishes to illuminate that the required scope for which the witness must be available for cross-examination under Pa.R.E. 803.1 is the prior statement, not the subject matter at issue. *Cf.* Pa.R.E. 804(a)(3) (witness does remember the subject matter). Cross-examination of the witness may include the circumstances in which the statement was given, the witness's state of mind, and other matters that may have bearing on the weight and credibility of the prior statement.

The Committee also proposes to amend Pa.R.E. 804(a)(3), which considers a declarant unavailable to testify as a witness if the declarant testifies to not remembering the subject matter at issue. By reference to Pa.R.E. 803.1(4), the amendment would create an exception to this criteria when the witness's claim to not remember the subject matter of a prior statement is unsubstantiated. A witness with a genuine or substantiated inability to remember the subject matter at issue would remain subject to Pa.R.E. 804(a)(3).

The Committee invites all comments, objections, and suggestions concerning this proposal.

[Pa.B. Doc. No. 15-1957. Filed for public inspection November 6, 2015, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 211 of the Rules of Civil Procedure; No. 632 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 26th day of October, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 44 Pa.B. 324 (January 18, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 211 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 211. Oral Arguments.

[Any party or the party's attorney shall have the right to argue any motion and the court shall have the right to require oral argument. With the approval of the court oral argument may be dispensed with by agreement of the attorneys and the matter submitted to the court either on the papers filed of record, or on such briefs as may be filed by the parties. The person seeking the order applied for shall argue first and may also argue in reply, but such reply shall be limited to answering arguments advanced by the respondent. In matters where there may be more than one respondent, the order of argument by the respondents shall be as directed by the court.]

Any interested party may request oral argument on a motion. The court may require oral argument, whether or not requested by a party. The court may dispose of any motion without oral argument.

EXPLANATORY COMMENT

Current Rule 211, if read literally, confers on a party the right to argue any motion before the trial court. However, the Superior Court and the Commonwealth Court have both held that any right to oral argument conferred by Rule 211 is only a qualified right subject to judicial discretion. *See Gerace v. Holmes Protection of Philadelphia*, 516 A.2d 354 (Pa. Super. 1986); *City of Philadelphia v. Kenny*, 369 A.2d 1343 (Pa. Cmwlth. 1977). To remedy any confusion between the text of the rule and actual practice supported by appellate precedent, Rule 211 has been amended to provide that a party has the right to request oral argument, and gives discretion to the trial court to require oral argument, whether requested or not, or to dispose of any motion without oral argument.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-1958. Filed for public inspection November 6, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CAMBRIA COUNTY

Local Rules of Civil Procedure for the 47th Judicial District; 2015-4357

Administrative Order

And Now, this 23rd day of October, 2015, it is hereby Ordered that the Local Rules of Civil Procedure for the 47th Judicial District (Cambria County) of Pennsylvania are amended promulgated as follows and any previous Local Rules that are inconsistent with these Amendments are hereby rescinded with regard to the subject areas of

these Amendments; *And Further*, these said Amendments shall become effective on December 1, 2015.

By the Court

TIMOTHY P. CREAMY,
President Judge

BUSINESS OF COURTS

Local Rule 200 CC. Business of the Courts. (former Local Rule 100 CC)

(a) There shall be no separate terms of court within any year.

(b) Docketing within the Court of Common Pleas shall be done in sequence throughout each calendar year, commencing with the first action initiated during each year. For example, 2011-1, 2011-2, etc.

(c) Scheduling of all matters before the Court shall be as set forth in the annual court calendar and as scheduled more specifically by the Court through the Court Administrator.

Local Rule 200.2 CC. Legal Periodical and Notices. (former Local Rule 100.2 CC)

(a) The *Cambria County Legal Journal* shall be the official legal periodical for the publication of notices.

(b) Where notice by publication is required in a newspaper and in a legal periodical, it shall be published in the *Cambria County Legal Journal* and in a newspaper of general circulation once per week for two (2) successive weeks, unless a statute, rule of court, or special order of court requires otherwise. The last publication shall be at least five (5) days before the time for the happening of the event for which publication is made.

(c) The prothonotary shall give notice to all counsel of record of the Argument Court list and other notices of general interest. In addition, the prothonotary shall give written notice of the same to any unrepresented parties.

Local Rule 200.3 CC. Admission to the Bar. (former Local Rule 100.3 CC)

The prothonotary shall keep and maintain a roll consisting of attorneys who have been admitted to the Bar of the Court of Common Pleas of Cambria County and maintain an office within the County. Only attorneys who are admitted to the Bar of this Court may be appointed arbitrator, counsel for indigent defendants, or master.

Local Rule 205.2 CC. Filing Legal Papers with the Prothonotary.

(a) *Physical Characteristics of Pleadings.*

(1) In addition to the rules set forth in Pa.R.Civ.P. 204.1, all documents filed with the prothonotary shall be bound by one single staple on the upper left hand corner unless the size of the document physically precludes this form of binding. No backers shall be necessary.

(2) The prothonotary has discretionary authority to accept or reject any document which does not conform to Pa.R.Civ.P. 204.1.

(3) The prothonotary shall accept filings by facsimile. A filing is not perfected until the original is filed with the prothonotary within seven (7) business days. The prothonotary shall strike filings that are not timely perfected.

(4) If a filing is not timely perfected, and if a hearing has been scheduled as a result of the facsimile filing, the Court has discretion whether said hearing will occur.

(b) *Cover Sheet.* All complaints in civil actions and proceedings filed and docketed in the prothonotary's office shall have a cover sheet substantially in the following form:

| | | |
|-------------------|---|--------------------------------|
| JOHN DOE and | * | IN THE COURT OF |
| MARY DOE, | | COMMON PLEAS |
| Husband and Wife, | * | OF CAMBRIA COUNTY, |
| | | PENNSYLVANIA |
| | * | |
| Plaintiffs, | * | CIVIL ACTION—LAW (or) |
| | * | CIVIL ACTION—EQUITY |
| v. | * | |
| | * | ACTION IN _____ |
| FRANK SMITH, | * | |
| | * | FOR TRIAL (or) FOR |
| | | ARBITRATION (or) |
| Defendant. | * | FOR OTHER |
| | | DISPOSITION |
| | * | |
| | * | TYPE OF DOCUMENT: |
| | * | |
| | * | COUNSEL FOR [MOVING |
| | | PARTY]: |
| | * | NAME |
| | * | ADDRESS |
| | * | TELEPHONE NUMBER |
| | * | FACSIMILE NUMBER |
| | * | SUPREME COURT I.D. # |
| | * | |
| | * | COUNSEL FOR |
| | | [OPPOSING PARTY]: ¹ |
| | * | NAME |
| | * | ADDRESS |
| | * | TELEPHONE NUMBER |
| | * | FACSIMILE NUMBER |
| | * | SUPREME COURT I.D. # |

NOTICE²

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by your attorney, and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the court, without further notice, for any money claimed in the Complaint, or of any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

¹ Counsel for opposing party is not required in original pleadings.
² For original pleadings only.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Laurel Legal Services, Inc.
 227 Franklin Street
 Suite 400
 Johnstown, PA 15901
 Telephone: (814) 536-8917
 Facsimile: (814) 535-3377

Local Rule 206.4(c) CC. Rule to Show Cause.

(1) A petition containing a rule to show cause shall be made returnable not less than ten (10) days after issuance, unless a statute or the rules of civil procedure require another return day.

(2) A rule to show cause shall not operate as a stay of proceedings unless the Court shall so order.

(3) The party obtaining said rule shall, within five (5) days, serve the rule and petition in compliance with Pa.R.Civ.P. 440 and 441.

(4) All subsequent proceedings shall be in accordance with Pa.R.Civ.P. 206.7.

(5) If no answer is filed by the return date, the Court, upon request, shall make the rule absolute.

(6) Any petition for rule to show cause that is filed prior to the case being assigned to a judge shall be scheduled in accordance with Motions Court procedure pursuant to Local Rule 208.3(a) CC.

(7) Any petition for rule to show cause that is filed after the case has been assigned to a judge shall be scheduled at the discretion of the assigned judge.

Local Rule 208.3(a) CC. Motions.

(1) Motions shall be in writing, shall include a proposed Order of Court, and shall comply with the requirements of Pa.R.Civ.P. 208.2.

(2) Motions Court shall be held every Monday at 9:00 a.m. at the Courthouse in Ebensburg before the judge assigned to Motions Court for that month. If Motions Court falls on a holiday, it will be scheduled on the next business day.

(i) All motions filed before 12:00 p.m. on Wednesday will be scheduled for Motions Court on the following Monday unless the moving party requests a later date.

(ii) Counsel shall file motions with the prothonotary and serve a copy thereof on opposing parties, or their counsel, with a certificate of service attached to the original motion certifying how service was effected.

(iii) Arguments shall be limited to five (5) minutes for each party. Should any party wish to rebut the opposing argument, he or she shall reserve rebuttal time from the initial five (5) minute time allotment. No testimony or evidence shall be accepted at argument, except at the discretion of the Court.

(iv) All counsel properly notified of a scheduled motion must appear at Motions Court, unless written consent to the motion is timely received by the Court or counsel is excused by the Court. The Court may, in its discretion, impose sanctions as it deems appropriate for failure to appear without good cause shown, to include counsel's payment of up to \$1,000.00 to the Cambria County Special Administration Fund, or directing counsel to

appear at a rule to show cause hearing to determine the applicability of 42 Pa.C.S. § 4112 relating to contempt.

(v) All motions shall be heard at Motions Court, except as follows:

(A) Motions in cases that have been assigned to a judge will be heard by said judge, including cases involving asbestos and medical malpractice.

(B) Motions requiring an evidentiary hearing will be scheduled by the Court Administrator.

(C) Family law motions will be heard by the judge assigned to the Domestic Relations Section of the Court of Common Pleas during the regularly-scheduled time for Motions Court. (See also Domestic Relations, Local Rules 1910.12 CC through 1920.93 CC for other Rules regarding Domestic Relations.)

(D) Motions for summary judgment and motions for judgment on the pleadings will be scheduled for Argument Court (Local Rule 260 CC) or Collection Court (Local Rule 261 CC).

(E) Motions for continuance will be heard by the judge assigned to the case or by the judge assigned to the division of the court in which the case is filed.

Local Rule 212 CC. Pre-Trial and Settlement Conferences.

(a) *Initial Pre-Trial Conference—Call of the List.*

(1) On the first business day of each month, the prothonotary shall prepare of list of all civil cases, other than family law cases and Collection Court matters, in which an answer has been filed or ninety (90) days have elapsed from the date the complaint was filed, whichever shall first occur.

(2) This list shall be transmitted to the Court Administrator, who shall schedule a call of the list by the Court on the third Monday of that month at 9:00 a.m.

(3) At this call of the list, the following shall be discussed and, to the extent possible, resolved:

- (i) The general facts of the case;
- (ii) The status of discovery and the need for and establishment of a discovery schedule;
- (iii) The discussion of any novel legal questions that are or may be at issue in the case; and
- (iv) The status of any settlement discussions.

(4) Following the call of the list, the Court shall issue an order directing whether:

- (i) The case shall be referred to arbitration;
- (ii) The parties shall be permitted to engage in discovery for a period to be set by the Court, at which point the case shall be referred to the Court Administrator for assignment to a judge for trial;
- (iii) The case is deemed complex, or for any other reason the Court deems it appropriate, and shall be referred to the Court Administrator for immediate assignment to a judge; or

(iv) Such other resolution as the Court deems appropriate.

(b) *Pre-Trial Statement.*

(1) The assigned judge shall set a conference and establish a schedule for the filing of narrative statements, which shall contain the following, where applicable:

(i) The issues involved, including a brief account of the facts to be proven in support of the pleadings.

(ii) The names and addresses of witnesses to be called at trial.

(iii) The documents and exhibits to be offered into evidence at trial, with copies attached where practical.

(iv) An itemized statement of damages and the relief requested.

(v) Copies of reports of experts, medical or otherwise, who will be called as witnesses. At trial, the testimony of the expert shall not exceed the scope of his or her report.

(2) If counsel fails to file the required narrative statement or fails to appear at the conference without cause shown, the judge shall sanction said counsel, which sanctions may include a grant of non-suit, striking of the case from the trial list, directing that certain disputed facts be deemed admitted by the delinquent party, preclusion of testimony or evidence, or such other action as may be appropriate, including fining counsel for non-compliance.

(3) Supplemental narrative statements may be filed.

(c) *Settlement Conference.*

(1) At the settlement conference, counsel shall be prepared to discuss possible settlement with the Court.

(2) The parties and/or persons authorized to settle the case shall be present or available by telephone, unless previously excused by the Court.

Local Rule 216 CC. Grounds for Continuance. (former Local Rule 216.1 CC)

Applications for continuance shall include a proposed order of court. The proposed order shall include space for a rescheduled hearing date, including the date, time, location, and judge before whom the matter will be heard. The requesting party shall indicate on the face of the application whether each party consents or objects to a continuance and, if applicable, the reason(s) for objecting. If efforts to reach opposing counsel or unrepresented parties are unsuccessful, counsel must outline the steps taken to contact opposing counsel or the party. Applications that do not substantially conform to the rules will be denied. A civil continuance request shall be in substantially the following form:

CIVIL CONTINUANCE REQUEST

_____, * No.

Plaintiff, * This case is presently scheduled for

v. * (type of proceeding) before

(judge/hearing

_____, * officer/conference office) on (date).

Defendant. *

(1) Reason for Request (attach extra sheet if necessary): _____

(2) Number of Prior Continuances: By Plaintiff _____

By Defendant _____

(3) Requesting Attorney: _____ Counsel

for _____ (name of client)

(Print) _____ (Sign) _____

(4) Opposing Counsel: Agrees ____ Objects ____ to the request.

(Print) _____ (Sign) _____

(5) Reason for Objecting (attach extra sheet if necessary): _____

O R D E R

AND NOW, this _____ day of _____, 20____, the above Civil Continuance Request is _____ and, if applicable, proceedings in this matter are rescheduled for the _____ day of _____, 20____, at ____ o'clock ____ m., in Courtroom No. _____, Cambria County Courthouse, Ebensburg, Pennsylvania, before Judge _____.

BY THE COURT:

cc: Original to the Court, cc: Counsel, Court Administrator

Local Rule 217 CC. Costs on Continuance (or Settlement of a Cause of Action).

(a) Except as noted in (b), when a continuance is granted upon application of a party or a case is settled, either within five (5) days of the date set for jury selection or after a jury has been impaneled, the Court may impose on the party making the application for continuance or on both parties, if the case is settled, the reasonable costs actually incurred by the County in impaneling said jury.

(b) In asbestos cases, when a continuance is granted upon application of a party or a case is settled after 2:00 pm the day before jury selection, the Court may impose on the party making the application for continuance or on both parties, if the case is settled, the reasonable costs actually incurred by the County in impaneling said jury.

(c) When a continuance has been granted or a case has been settled under the circumstances outlined above and costs imposed, the party upon whom such costs have been imposed may not, so long as such costs remain unpaid, take any further step in such or any other suit without prior leave of court.

Local Rule 220.1 CC. Voir Dire. (former Local Rule 221.1 CC)

Counsel or an unrepresented party may submit, or if ordered by the Court, shall submit, proposed voir dire questions for the prospective jurors empanelled for the case. The proposed voir dire questions shall be submitted on or before the date set by the assigned judge for jury selection.

Local Rule 260 CC. Argument Court Procedure.³

(a) All motions for summary judgment and motions for judgment on the pleadings shall be heard, en banc, on the last Friday of every month except as noted in (c) of this rule and Local Rule 261 CC. See also Local Rules 1035.2(a) CC (Motion for Summary Judgment) and 1034(a) CC (Motion for Judgment on the Pleadings).

(b) All preliminary objections shall be heard before a single judge on the last Friday of every month except as noted in (c) of this rule and Local Rule 261 CC. See also Local Rule 1028(c) CC (Preliminary Objections).

(c) This rule shall not apply to cases involving medical malpractice or asbestos, which shall be scheduled before a single judge at the discretion of the Court Administrator.

(d) The prothonotary shall keep an argument list book and shall enter in it the names of all cases in which pre-trial or post-trial motions have been filed, except as noted in Local Rule 261 CC.

(e) Three (3) weeks before the day fixed for Argument Court, the prothonotary shall prepare a list of cases for argument. Cases shall be listed for times certain and all counsel must be present at the time assigned. At least two (2) weeks before Argument Court, the prothonotary shall mail each counsel of record a printed list of all cases listed for argument, with the names of counsel for the respective parties. If a party is not represented by counsel, the prothonotary shall mail the list to the party at his or her address appearing in the proceeding.

(f) In the event that counsel for any party fails to appear at the assigned time for argument, without cause shown, the Court may sanction said counsel in such manner as it deems appropriate, including fining the delinquent counsel.

(g) The movant is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Four (4) copies of briefs for summary judgment motions and judgment on the pleadings motions shall be filed with the prothonotary on the Monday, eleven (11) days before the Friday fixed for Argument Court. Two (2) copies of briefs for preliminary objections shall be filed with the prothonotary on or before the Monday, eleven (11) days before the Friday fixed for Argument Court.

(h) The respondent is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Four (4) copies of briefs for summary judgment motions and judgment on the pleadings motions shall be filed with the prothonotary on or before the Monday before the date fixed for Argument Court. Two (2) copies of briefs for preliminary objections shall be filed with the prothonotary on or before the Monday before the date fixed for Argument Court.

(i) The prothonotary shall list for general call at the first civil Argument Court held after January 1 of each year, all civil matters, except for divorce and custody matters, with no docket activity within two (2) years or more prior thereto, and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. 1901(c). Anyone objecting to a dismissal of the case shall file a praecipe setting forth the present status of the case, what further action needs to be done, and the time frame in which such action can be completed. If no praecipe objecting to the dismissal is docketed in such matter prior to the commencement of the general call on the first day of said Court, the prothonotary shall strike the matter from the list and, if no good cause for continuing the matter is shown, the Court shall enter an Order dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule.

Local Rule 261 CC. Collection Court Procedure.

(a) All motions for summary judgment, motions for judgment on pleadings and preliminary objections in cases involving default on a consumer credit line, or foreclosure of a residential mortgage shall be listed for Collection Court.

(b) Collection Court shall be heard before a single judge on the third Friday of every month.

(c) Three (3) weeks before the day fixed for Collection Court, the prothonotary shall prepare a list of cases for

³ This Rule encompasses Local Rule 210 CC regarding briefs.

argument. Cases shall be listed for times certain and all counsel must be present at the time assigned. The prothonotary shall mail each counsel of record a printed list of all cases listed for argument, with the names of counsel for the respective parties. If a party is not represented by counsel, the prothonotary shall mail the list to the party at his or her address appearing in the proceeding.

(d) In the event that counsel for any party fails to appear at the assigned time for argument without cause, the Court may sanction said counsel in such manner as it deems appropriate, including fining the delinquent counsel.

(e) The movant is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Two (2) copies of briefs for summary judgment motions, judgment on the pleadings motions, and preliminary objections shall be filed with the prothonotary and one (1) copy to the opposing party on the Monday, eleven (11) days before the Friday fixed for Collection Court. The respondent is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Two (2) copies of briefs for summary judgment motions, judgment on the pleadings motions, and preliminary objections shall be filed with the prothonotary and one (1) copy to the opposing party on or before the Monday immediately before the date fixed for Collection Court.

Local Rule 270 CC. Fees for Transcripts.

For each page of transcript produced, the court reporter shall be paid \$2.00 per page of original transcript. No fee shall be paid to such reporter for copies provided to the county.

Local Rule 271 CC. Request and Order for Transcripts.

Before a transcript of testimony is to be typed by a court reporter, unless directed to do so by the Court, counsel making the request must present an Order substantially in the form attached hereto to be signed by a judge. The original of the Order shall be filed in the prothonotary's office and a copy of same served upon the court reporter, the Court Administrator, and opposing counsel.

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
_____ DIVISION

_____ : No.
:
Plaintiff, :
:
vs. :
:
_____ :
:
Defendant. :

APPLICATION FOR ORDER TO TRANSCRIBE RECORD

TO THE HONORABLE JUDGES OF SAID COURT:

- 1. Applicant is counsel for _____ .
- 2. Application is made for an order to transcribe the following portion of the record: _____ .
- 3. The transcribed record is wanted for the following purposes:
_____ An Appeal was filed in the _____ Court by _____ on the _____ day of _____ , 20 ____ .
_____ Other Reason.
- 4. Applicant requests _____ copy(s) to be paid for by:
_____ Applicant; or
_____ County, because Applicant is counsel for Commonwealth or indigent defendant in criminal case.
_____ County, because Applicant is counsel for an indigent in a civil case.
- 5. Date of hearing(s): _____ .
- 6. Date of Verdict, Judgment, Order or Sentence (if applicable): _____ .
Date transcript is to be completed: _____ .
Date: _____ Applicant: _____
Counsel for applicant: _____

ORDER

AND NOW, on this _____ day of _____ , 20 __ , the application is _____ . Cost of the original shall be paid by (Applicant/ County); cost of copies requested shall be paid by (Applicant/ County).

By the court:

List of Counsel:

CIVIL ACTIONS

Local Rule 1018.1 CC. Notice to Defend. Form.

The agency to be named in the notice from which legal help can be obtained shall be:

Laurel Legal Services, Inc.
227 Franklin Street
Suite 400
Johnstown, PA 15901
Telephone: (814) 536-8917
Fax: (814) 535-3377

Local Rule 1028(c) CC. Preliminary Objections.

(1) Preliminary objections shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Preliminary objections filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Preliminary objections filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Preliminary objections filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iv) Preliminary objections filed in family law cases shall be heard by the judge primarily responsible for family law motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceeding.

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

(1) Motions for judgment on the pleadings filed with the prothonotary shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Motions for judgment on the pleadings filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Motions for judgment on the pleadings filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Motions for judgment on the pleadings filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceedings.

Local Rule 1035.2(a) CC. Motion for Summary Judgment.

(1) Motions for summary judgment filed with the prothonotary shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Motions for summary judgment filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Motions for summary judgment filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Motions for summary judgment filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceedings.

Local Rule 1038.4 CC. Summary Jury Trials.

(a) Individual parties shall attend the summary jury trial. An officer or other responsible lay representative of a corporate party or claims adjuster for a carrier shall attend the trial.

(b) The summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties, or shall constitute a waiver. Summary trials may be binding if agreed by all parties and the Court.

(c) The cases will be submitted to the summary juries by way of special verdict questions. Counsel shall submit a joint statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary trial need not be the same as those for the regular jury trial. The jury will determine the amount of damages. The Court will determine the format to be used and rule on disputed questions.

(d) The number of summary jurors is six (6). The number of preemptory challenges is two (2).

(e) Each side shall be entitled to one (1) hour for presentation of its case, unless counsel presents a compelling reason at pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel will involve a combination of argument, summarization of the evidence to be presented at the regular trial, and a statement of the applicable law, but only to the extent it is needed to be known by the jury in answering the special verdict questions. No live testimony will be presented, except in cases where credibility will determine the major issues. In such cases, no more than two (2) witnesses for each side may be called for full direct examination and cross-examination. Counsel may quote from depositions and may use exhibits and videotapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first, and shall have a short rebuttal.

(f) The Court will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The attorneys shall agree upon the points for charge. The points for charge shall be submitted to the Court prior to the selection of the summary jury. The Court shall rule on any disputes on a point for charge.

(g) The jury will be asked to return a verdict if five (5) of the six (6) of the members agree to it. The same 5/6 majority must be in agreement with respect to each special verdict question.

(h) If the jury does not reach a 5/6 majority verdict within a reasonable time (2 hours), the Court will consider polling the jurors individually.

(i) After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered yes or no or by a dollar figure may be asked. The attorneys shall be limited to ten (10) questions each, unless a greater number is allowed by the Court for cause shown. No questions shall be asked to

which the answer will disclose the personal view of any particular member of the jury.

(j) Should the summary trial not result in a settlement, the regular trial shall not be held during the same calendar week unless the summary jury is dismissed and will not come into contact with the balance of the venire.

(k) The summary trial is an extension of the settlement conference, and the verdict will not be released to the media.

ARBITRATION

Local Rule 1300 CC. Arbitration Limits.

All civil actions which are at issue where the amount in controversy is \$50,000 or less, (exclusive of interest and costs), except those involving title to real estate, equity actions, mandamus, quo warranto, and mortgage foreclosure, shall be tried and decided by a board of arbitrators consisting of three (3) attorneys.

Local Rule 1302 CC. Appointment of Arbitration Board—Preferred Method.

Upon praecipe of any party, the prothonotary shall select nine (9) names, in alphabetical order, from the list of attorneys available, and an additional three (3) for each additional party with an adverse interest. Each party shall then strike off three (3) attorneys. The remaining three (3) shall comprise the board of arbitration. In the absence of a specific request, this shall be the preferred method of selecting an arbitration panel.

Local Rule 1302.1 CC. Appointment of Arbitration Board—Alternative Method 1.

Upon praecipe, the prothonotary shall appoint a board of arbitrators, consisting of three (3) attorneys from the list of attorneys qualified to act. Immediately after appointment of the board of arbitrators, the prothonotary shall notify the attorney in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary shall appoint the next attorney on the list in his or her place. Any attorney disqualified in a case shall be put at the head of the list of attorneys available for the next case. Any attorney who fails to act and is replaced by the prothonotary shall be put at the bottom of the list of attorneys.

Local Rule 1302.2 CC. Appointment of Arbitration Board—Alternative Method 2.

In lieu of Local Rules 1302(b) CC and 1302(b).1 CC, counsel for all plaintiffs may name a competent arbitrator from the county arbitration list, and counsel for all defendants may then name a competent arbitrator from the county arbitration list. The two (2) so selected will select a third. If selection of the third arbitrator cannot be agreed upon within ten (10) days, either party may request that the selection be made by a judge from the county arbitration list. The three (3) arbitrators so selected shall designate which of them is to be the chairperson. The finally selected panel shall then be filed by the chairperson with the prothonotary who will then appoint the arbitrators who have been selected.

Local Rule 1302.3 CC. Arbitration Chairperson.

Except as provided in Local Rule 1302.2 CC, the first member named, who has been admitted to practice law for at least three (3) years, shall be chairperson of the board otherwise agreed upon by the panel.

Local Rule 1302.4 CC. Arbitrator Conflicts of Interest.

Not more than one (1) member of a firm or association of attorneys shall be appointed to the board, nor shall any

attorney be appointed who is associated with, or who maintains a common office, in whole or in part, with any counsel of record.

Local Rule 1303 CC. Hearing. Notice.

The chairperson shall fix a time for hearing after conferring with counsel and the other arbitrators as to suitable dates and shall notify the parties, or their counsel, in writing, at least thirty (30) days before the hearing of the time and place of hearing. The first hearing shall be scheduled within ninety (90) days of the appointment of the board. Hearings shall be held either at the Courthouse at Ebensburg or at the Judges' Chambers in Johnstown, unless the parties, by agreement, shall designate another place and the arbitrators concur in such designation. Note: See Pa.R.Civ.P. 248, as to the shortening or extending of time for the giving of notice. Notice of the Hearing shall be sent to the Court Administrator.

Local Rule 1303.1 CC. Arbitration Motions for Continuance.

Unless agreed to by all counsel, only a judge may continue an arbitration hearing. It shall be the obligation of the party or counsel requesting the continuance to notify the board of arbitrators and other counsel of the request for continuance.

Local Rule 1307 CC. Arbitration Award.

The board of arbitrators shall make its report and render its award within twenty (20) days after the conclusion of the hearing.

Local Rule 1308.1 CC. Arbitrator Compensation.

Each arbitrator shall be entitled to receive \$200.00 for each half day or part thereof involved in hearing a case, except the chairperson, who shall receive \$250.00 for each half day or part thereof. The time spent on the case shall be certified by the chairperson. Upon the filing of their report and award, the prothonotary shall certify the arbitrators' fee for payment under the procedure followed as to other debts of the county. One-half day shall constitute three (3) hours or less.

Local Rule 1332 CC. Noncompulsory Arbitration.

Cases which are not otherwise eligible for compulsory arbitration may be referred to a Board of Arbitration by agreement of referral signed by counsel for both sides of the case or by Order of Court following the initial status conference and call of the list conducted pursuant to Local Rule 212 CC. The agreement of referral shall define the issue involved for determination by the board, and when agreeable, shall also contain stipulations with respect to facts submitted or agreed, or defenses waived. In such cases, the agreement of referral shall be filed of record.

Local Rule 1333 CC. Arbitration Fees.

The prothonotary shall charge the same fees for cases on the Arbitration List as charged for cases on the Trial List.

DOMESTIC RELATIONS

ACTIONS FOR SUPPORT

Local Rule 1910.12 CC. Office Conference. Hearing. Record. Exceptions. Order.

(a) The procedures set forth in Pa.R.Civ.P. 1910.12 shall be utilized.

(b) The Court will select, appoint, and establish the duties of hearing officers in support actions. The compen-

sation of the standing hearing officers shall be set by the Cambria County Salary Board.

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY,
AND VISITATION OF MINOR CHILDREN**

**Local Rule 1915.3 CC. Commencement of Action.
Hearing Officers. Fees.**

(a) Any party filing a complaint in an action for custody, partial custody and visitation of minor children, or a pleading requesting modification of an existing court order pertaining to the same, shall file an original and one (1) copy of the pleading in the prothonotary's office. The prothonotary shall immediately forward a certified copy of the pleading to the Cambria County Domestic Relations Office.

(b) The Court may appoint a hearing officer to hear the matter. (Pa.R.Civ.P. 1915.4-1). When a hearing officer is appointed, the matter shall thereafter proceed in accordance with Pa.R.Civ.P. 1915.4-2.

(c) In addition to the filing fee assessed for the filing of a complaint, an administrative fee in the amount of \$100.00 shall be paid to the prothonotary simultaneously with the filing of a complaint in an action for custody, partial custody, or visitation of minor children, or a petition for modification of an existing order involving custody, partial custody, and visitation of minor children. The initial fee of \$100.00 shall entitle the parties to one (1) hour of the appointed hearing officer's time. Should the hearing officer's time exceed one (1) hour, an additional fee of \$100.00 per hour will be assessed and paid by the parties in proportions to be determined by the hearing officer.

(d) At the pre-hearing custody conference, testimony may be taken if exigent circumstances exist or if such circumstances are plead in the complaint or the petition to modify.

(e) See also Business of Courts, Local Rule 208.3(a) CC (Motions) for procedures regarding Family Law Motions Court.

Local Rule 1915.4(f) CC. Custody Hearing.

A complaint, counterclaim, or petition for modification, which makes a request for shared or primary physical custody shall:

(1) Be heard before a hearing officer except noted in (2).

(i) The hearing officer shall receive evidence, hear testimony, and file with the Court a report containing a recommendation and a proposed order of court with respect to the entry of an order of custody.

(ii) Within twenty (20) days of the filing of the report by the hearing officer, any party may file exceptions to the report or any part thereof, to rulings on evidentiary objections, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(iii) Within twenty (20) days of the filing of the report by the hearing officer, any party may move for a de novo hearing before a judge in lieu of or in addition to the filing of exceptions.

(2) Be heard before a judge in lieu of a hearing officer upon application of any party.

Local Rule 1915.4-4 CC. Pre-Hearing Procedures.

(h) During the pre-hearing conference, the hearing officer may, at his or her discretion, receive evidence and/or argument regarding exigent custodial circumstances. A party must notify the hearing officer and opposing party at least seven (7) calendar days prior to the scheduled pre-hearing conference if he or she intends to offer evidence, unless the parties agree otherwise, but subject to the final approval of the hearing officer. The hearing officer may recommend to the Court an interim order awarding temporary legal and/or physical custody.

**Local Rule 1915.13 CC. Special Relief—Emergency
Petition for Special Relief Summary Hearing.**

(a) At any time after commencement of the action, a party may file an Emergency Petition for Special Relief Summary Hearing by Wednesday at 12:00 p.m. to be considered by the judge assigned to Domestic Relations matters, at the Court's discretion, for a summary hearing including fifteen (15) minutes of oral argument on the following Monday starting at 9:15 a.m. or as subsequently scheduled by the Court. No summary hearing will take place unless the moving party serves opposing counsel or pro se litigant with notice.

(b) At the conclusion of a summary hearing, the Court may grant appropriate interim or special relief. This relief may include, but is not limited to, the award of temporary legal or physical custody; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the Court; and a direction that a person post security to appear with the child when directed by the Court or to comply with any Order of Court.

(c) The hearing officer conducting the custody hearing shall not be bound by the Court's granting or denial of relief at a summary hearing.

**Local Rule 1915.30 CC. Child Custody Education
Program.**

(a) Every party to an initial custody action shall attend Cambria County's approved, education program for separating or divorcing parents.

(b) Upon application, the Court will consider a request for a party's attendance at an alternative program.

(c) Failure to attend the education program will result in a contempt of court proceeding.

(d) The filing of a custody consent agreement shall not relieve the parties of their obligation to attend Cambria County's approved education program.

**ACTIONS OF DIVORCE OR ANNULMENT OF
MARRIAGE**

Local Rule 1920.51(f) CC. Divorce Master.

(1) Any party filing a complaint or counterclaim in an action of divorce (other than a one-count divorce) or for annulment of marriage shall file an original and one (1) copy of the pleading in the prothonotary's office. The Court will, on its own motion, appoint a master with respect to those matters contained in the action in those instances where the appointment of a master is permitted. The matter shall thereafter proceed in accordance with Pennsylvania Rules of Civil Procedure.

(2) In addition to the filing fee assessed for the filing of a complaint, an administrative fee in the amount of \$500.00 shall be paid to the Cambria County Prothono-

tary simultaneously with the filing of a divorce complaint or counterclaim which raises for the first time any issue other than a count for divorce under Section 3301(c) and/or (d) of the Divorce Code. If a claim is filed to preserve an issue and a party requests in writing that no hearing is needed then the counterclaim shall be accepted without payment of Master's Fees. The initial fee of \$500.00 shall entitle the parties to a one (1) hour pre-hearing conference and a three (3) hour hearing. If any additional time is needed, an additional fee of \$100.00 per hour will be assessed and paid by the parties in proportions to be determined by a master.

(3) Upon a filing of a complaint or counterclaim for alimony pendente lite, either party may petition to defer or apportion fees assessed under Section (2) of this rule based on financial need.

(4) The Court will select, appoint, and establish the duties of the standing master. The compensation of the standing masters shall be set by the Cambria County Salary Board.

Local Rule 1920.93 CC. Pre-Hearing Conferences and Pre-Hearing Statements.

(a) The order scheduling a pre-hearing conference shall require the parties and their attorneys to meet one-half hour prior to the conference starting time. The parties shall attempt a good faith resolution of the action during the meeting.

(b) If an action is not resolved at a pre-hearing conference, the hearing officer/master shall:

(1) Estimate the total amount of time needed for hearing;

(2) Determine the amount of additional fee to be paid; and

(3) Submit a proposed order to the Court regarding payment of the estimated additional fee.

(4) All additional fees must be paid in full no later than thirty (30) days prior to the scheduled hearing.

(i) Nonpayment by the moving party may result in the Court's continuance of the scheduled hearing and rescheduling of the hearing only upon payment of said fees.

(ii) Nonpayment by the nonmoving party may not preclude the Court from directing the prothonotary from scheduling the hearing or issuing a Rule to Show Cause as to why the nonmoving party should not be subject to a default judgment for nonpayment.

(iii) All actions requiring additional fees shall be reviewed by the judge assigned to the Domestic Relations Section of the Court of Common Pleas to determine whether to delay the matter for nonpayment.

(c) Upon motion of either party or if appointment is recommended by a standing master, the Court may appoint a special master in a divorce action. A proposed order should be submitted to the Court for the appointment of a special master. The total Master's Fees shall be decided on a case-by-case basis.

(d) A pre-hearing statement must be filed by each party in divorce cases involving equitable distribution where a hearing has been scheduled. The original pre-hearing statement shall be filed with the prothonotary at least thirty (30) days prior to hearing. Each party shall serve copies of the pre-hearing statement on the master and opposing counsel, or on the unrepresented adverse party, by first class mail on the same day as filing. The pre-hearing statement shall contain at least the following (in addition to any other requirements established by the master):

(1) Narrative statement of the pertinent facts;

(2) Description of the property in controversy, including valuations of the date of separation and as of the date of the hearing;

(3) List of witnesses, including name, address and telephone number;

(4) Identification of all reports;

(5) Proposed schedule of distribution;

(6) List of exhibits; and

(7) Copies of federal and state income tax returns complete with all schedules and attachments for the preceding three (3) tax years; and certificate of service indicating service on the same day of filing.

DISCOVERY

Local Rule 4007.1 CC. Place of Depositions.

If the parties do not agree, the place of the taking of any depositions in an action shall be in the Cambria County Courthouse in Ebensburg, Pennsylvania, or in the Judge's Chambers in Johnstown, Pennsylvania, unless the Court otherwise directs.

[Pa.B. Doc. No. 15-1959. Filed for public inspection November 6, 2015, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc. No. 15-00006

Order

And Now, this 15th day of October, 2015, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L205.2(b)B shall be amended as set forth as follows. (Bracketed bold is deleted language.)

2. The Prothonotary is directed to:

a. Transmit one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee, along with a computer disk containing the text of the rule.

b. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revision to Rule L205.2(b)B shall become effective immediately after its posting on the Pennsylvania Judiciary's Web Application Portal.

By the Court

NANCY L. BUTTS,
President Judge

L205.2. Filing Legal Papers with the Prothonotary.

- (a) * * *
- (b) *Required cover sheets.*
- A. * * *
- B. *Motion Cover Sheet.*

* * * * *

7. The form of the cover sheet shall be substantially as follows:

**COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA
MOTION COVER SHEET**

Caption (may be abbreviated) _____ Docket No. _____
 vs. _____ Case assigned to Judge _____
 none
 Family Court Hearing Officer

1. Name of filing party
2. Filing party's attorney
3. Type of filing:

| | |
|--|---|
| <p>4. The following is/are requested:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Argument <input type="checkbox"/> Evidentiary Hearing <input type="checkbox"/> Court conference <input type="checkbox"/> Rule to show cause <input type="checkbox"/> Entry of uncontested order (attach supporting documentation) <input type="checkbox"/> Expedited consideration. State the basis: _____ _____ <p><input type="checkbox"/> Video conferencing requested. Request form has been submitted. See Lyc.Co.R.G.C.B. L8. <input type="checkbox"/> Attach this cover sheet to original motion previously filed on: _____</p> <p>5. Time required: _____</p> | <p>6. Names and addresses of all counsel of record and unrepresented parties:</p> <p>[Court Scheduling Technician]</p> <p><input type="checkbox"/> Continued on separate sheet.</p> |
|--|---|

ORDER

1. ____ An ____ argument ____ factual hearing ____ court conference is scheduled for _____ at ____ m. in courtroom no. _____, Lycoming County Courthouse, Williamsport, PA.
2. ____ Briefs are to be filed by the following dates:
 Filing party _____ .
 Responding party(ies) _____ .
3. ____ A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested.
4. ____ A response to the motion/petition shall be filed as follows: _____ .
5. ____ See order attached. ____ See separate order issued this date.
6. ____ Other _____ .

 Judge Date

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6." ABOVE.

NOTICE: The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

[Pa.B. Doc. No. 15-1960. Filed for public inspection November 6, 2015, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc. No. 15-00006

Order

And Now, this 15th day of October, 2015, it is hereby Ordered and Directed as follows:

1. Lycoming County Rules of Civil Procedure L212, L1007, L1302, L1302.1, L1303, L1304.1, L1308, L1311 and L1315 shall be amended as set forth as follows. (Bold is new language; bracketed bold is removed language.)

2. Lycoming County Rule of Civil Procedure L1301.1 is rescinded.

3. The Prothonotary is directed to:

a. File one (1) certified copy of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

4. The revisions shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

By the Court

NANCY L. BUTTS,
President Judge

L212. Pretrial Conferences and Trial Scheduling.

A. * * *

B. * * *

[**C. Listing of cases.** At least one week before the session of trial commences, the court administrator shall serve upon all counsel and pro se parties a final list of cases to be tried during the term. The listing will have prior approval from the trial judge.

D.] C. Re-pretrials of continued cases. Where a continuance is allowed under rule L216 after pre-trial conference, the case will be rescheduled for trial. A re-pretrial conference will be held. At any such re-pretrial conference, the pretrial memorandum previously submitted shall be updated if appropriate, but otherwise need not be resubmitted.

[**E.] D. Striking cases from trial list.** Cases listed for trial shall remain so listed until settled of record, or until a verdict, adjudication or nonsuit is entered, or unless removed by order of court.

[**F.] E. Extensions.** For settlement purposes the court in its discretion may extend the pretrial conference to a settlement conference date or for a summary jury trial.

L1007. Case Monitoring Notice. Scheduling Order. Trial/Hearing Scheduling.

A. * * *

B. A request for a revision of the scheduling order may be made by filing a motion that sets forth the reason for the request, along with a rule L205.2(b)B. motion cover sheet. [**The motion shall be accompanied by a**

proposed amended scheduling order.] The motion shall indicate whether or not all other parties concur with the request, **and shall set forth the requested trial term and proposed deadlines.** If the motion is uncontested, the parties shall so indicate on the motion cover sheet. If the motion is contested, the court may schedule a conference which may, upon prior arrangement, be conducted by telephone. If the only relief requested is a continuance of trial, the procedure to be followed is that required by rule L216.

[**C THE FORM IS DELETED]**

Note: The current schedule of civil trial terms and standard deadlines are posted on the Lycoming Law Association website at www.lycolaw.org/court/scheduling/trial_term_schedule.PDF.

[**L1301.1. Agreement of Reference.**

Cases, whether or not in litigation, regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case. Such agreement shall be evidenced by a writing signed by counsel for all sides and shall be filed with the prothonotary, who will forward a copy to the deputy court administrator with a proposed rule L1007 scheduling order. Said agreement shall define the issues involved for determination by the board and shall also contain any stipulations with respect to facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.]

L1302. List of Arbitrators.

A. The court administrator shall keep a current list of all members of the bar qualified and willing to act as arbitrators. **Any new member of the bar will be automatically placed on the list, by the court administrator.**

B. Any attorney not wishing to serve as an arbitrator shall notify the court administrator in writing **and his or her name will be removed from the list, except that such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has already been appointed by the court.**

[**C. An attorney may remove his or her name from the arbitrator's list and such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has been appointed by the court.]**

L1302.1. [**Selection of Arbitrators.] Appointment of Arbitration Panels. Substitution.**

[**A. Upon receipt of a scheduling order directing arbitration, the court administrator shall nominate from the list of attorneys a board of potential arbitrators. The nominations shall be made at random, except where an attorney is excused by reason of incapacity, illness, or other disqualification. No more than one member of the family, firm, professional corporation, or association shall be nominated to serve on one potential board.**

B. The court administrator shall nominate to the potential board four attorneys plus three attorneys for each party involved. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his or her attorney. Each party in the case or counsel for each

party may strike off up to three attorneys so named and return the list to the court administrator within five days of receipt. If any or all parties strike the same name or fail to exercise their right to strike off three names from the potential board, the first three remaining names will make up the board of arbitrators. The fourth listed attorney shall become an alternate arbitrator, who shall serve only if one of the first three is unable to serve or is disqualified from serving.]

A. Once every four months, the court administrator shall select the names of sixty-four attorneys from the list of arbitrators, for appointment to one of sixteen panels of four attorneys each. No more than one member of a particular family, firm, professional corporation, or association shall be nominated to serve on one panel.

B. Each panel will consist of three arbitrators and a substitute. Notice of the appointment shall be sent to the members of the panel by the court administrator's office.

C. In the event an arbitrator is unable to serve as appointed, he or she must notify the substitute of the conflict and then notify the court administrator, as well as the other members of the panel and the parties or counsel of record, of the substitution. In the event the substitute has already been called into service by another arbitrator on that panel or is otherwise unable to serve, the arbitrator shall contact the court administrator for the selection of an alternate arbitrator.

D. Each panel will be appointed to sit for one full day during the four-month period and hear up to two cases on that day, which will be scheduled for one-half day each.

L1303. Scheduling of Hearings and Notice of Appointment.

[A. The court calendar shall reflect that two rooms will be reserved for two days out of each month, for the purpose of holding simultaneous arbitration hearings, to the extent that there are cases to be heard.

B. Upon receipt of the completed strike lists (or after five days if a list is not returned), the court administrator shall schedule the case to be arbitrated for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m., in one of the two rooms reserved. Notice of the hearing and of the appointments shall be sent to the parties or their attorneys and to the arbitrators appointed.

C. After having been identified as a member of an arbitration panel and after having been scheduled to serve on an arbitration panel on a date certain, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, it shall be that panel member's responsibility to notify the court administrator who shall then advise the alternate of his or her substitution. If further substitution is required, the court administrator shall select an arbitrator.

D. Arbitrators who fail to appear for service without having followed the procedures set forth above, shall not be paid, and may be removed from the court administrator's list of eligible arbitrators.]

A. The court calendar shall set aside four days per month for arbitration hearings, providing for the scheduling of eight half-day hearings each month.

B. Upon receipt of an order directing the scheduling of an arbitration hearing, the court administrator shall schedule the case for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m. Notice of the date and time of the hearing and of the arbitrator appointments shall be sent by the court administrator's office to the parties or their attorneys and to the members of the panel designated to sit that day, at least sixty days prior to the date of the hearing.

L1304.1. Continuances.

A. Continuances shall be granted only by court order for good cause shown. [Requests for continuances shall be submitted in writing on forms provided by the court administrator. An application for continuance should be filed not later than three days prior to the scheduled date for the arbitration hearing.] A continuance request shall be submitted in writing to the court scheduling technician as required by rule L216C, not later than one week prior to the scheduled arbitration hearing, and served on all arbitration panel members and all parties or counsel of record. If the request is granted less than one week prior to the hearing, the requesting party or counsel shall contact the panel members and all parties or counsel of record by telephone, fax or email to inform them of the continuance.

B. When an arbitration has been continued, the court administrator shall reschedule the arbitration for an available arbitration day, at least sixty days from the date of the continuance.

[B.] C. Upon failure of a party to appear at a scheduled arbitration hearing, the arbitrators shall proceed ex parte and render an award on the merits.

L1308. Compensation for Arbitrators.

A. Each of the three members of an arbitration panel shall receive compensation in the amount of \$200.00 per case for which the member actually serves as an arbitrator, or \$100.00 if the arbitrator appears at the date and time of the hearing but no hearing is held because either (1) the matter is settled, withdrawn or otherwise terminated at that time, or (2) was previously settled, withdrawn or otherwise terminated but the arbitrator was not so notified. If the case is settled, withdrawn or otherwise terminated and the arbitrators are so notified prior to the date scheduled for hearing, they shall not be entitled to any fee.

B. A substitute arbitrator who does not serve shall receive \$50.00, unless notified prior to the date of the hearing that his or her services will not be needed.

C. Each arbitrator shall be entitled to receive additional compensation at the rate of \$50.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 1/2) hours.

D. Upon the filing of the board's report or award, the prothonotary shall certify to the county controller that the report or award, if any, has been filed, together with the names of the arbitrators and substitute arbitrator to be paid and the amounts to be paid to each. The county shall then pay fees as noted on the prothonotary's certification. **If an arbitrator has previously submitted a prop-**

erly executed authorization form directing the donation of his or her fee to the Lycoming Law Association Foundation, the prothonotary shall so note on the certification and the county shall submit payment of that attorney's fee to the Foundation.

L1311. Appeals.

The prothonotary shall notify the court administrator of all appeals from arbitration. [**All arbitration appeals shall immediately be scheduled for pre-trial conference and trial by the court administrator at the earliest practical date.**] All arbitration appeals shall immediately be scheduled for pre-trial conference by the court administrator, for the next available trial term.

L1315. Settlements.

In all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, the attorney for the plaintiff (or the plaintiff if acting pro se) shall so notify the court administrator and the arbitrators (including any substitute). [**In the event of settlement, withdrawal or termination on the date of hearing, or should**] **Should** the arbitrators appear for the hearing due to lack of notice that the matter had been previously settled, withdrawn or otherwise terminated, the disposition and the fact of their appearance shall be noted by the arbitrators on the award form and delivered to the prothonotary.

[Pa.B. Doc. No. 15-1961. Filed for public inspection November 6, 2015, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Local Rule of Civil Procedure *200; Amendment of Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a) and 1035.2(a)

Order

And Now, this 19th day of October, 2015, the Court hereby Amends Montgomery County Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a), and 1035.2(a), and Adopts Montgomery County Local Rule of Civil Procedure *200. These Amended and Adopted Local Rules shall become effective on January 1, 2016, following timely publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239 and 239.8, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. The amendments to Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a) and 1035.2(a) shall also be published on the UJS Web Portal at <http://ujportal.pacourts.us>. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Rule *200. Trial Readiness.

(1) *Application.* This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019*;

(2) *Within Arbitration Limit Cases.*

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "within arbitration limits" (excepting those involving title to real estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 9 months of the transfer date;

b) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

c) At the Case Management Conference, a Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

d) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecipe, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;

e) Any extension beyond the maximum time limit for the placement of the case into the Arbitration Inventory, as noted in subsection (d) above, must be approved by a Judge. Said request shall be in the form of a Motion for Extraordinary Relief, which shall set forth the reason(s) why the requested relief should be granted. The opposing side(s) shall have five (5) days in which to respond to said Motion, after which time the Court will enter an appropriate order.

(3) *Outside Arbitration Limit Cases.*

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “outside arbitration limits”, shall be praeciped for Trial by the parties, pursuant to Local Rule 212.1*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 18 months of the transfer date;

b) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

c) At the Case Management Conference, a Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

d) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecipe, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;

e) Any extension beyond the maximum time limit for the placement of the case into the Civil Trial Inventory, as noted in subsection (d) above, must be approved by a Judge. Said request shall be in the form of a Motion for Extraordinary Relief, which shall set forth the reason(s) why the requested relief should be granted. The opposing side(s) shall have five (5) days in which to respond to said Motion, after which time the Court will enter an appropriate order.

(4) *Track Transfer.* If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;

2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;

3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;

4. All cases involving title to real estate and equity cases are considered “Outside Arbitration Limit Cases.”

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

(1) *Issuance.* The issuance of a Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:

(a) a cover sheet in the form set forth in Rule 205.2(b),

(b) a brief or memorandum of law, as set forth in Rule 210, and

(c) a proposed order in the following form:

| |
|-------------------------|
| See Form Proposed Order |
|-------------------------|

The petition and proposed order shall be filed in the Prothonotary’s Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of execution pending disposition of a petition to open default judgment, or any other petition governed by this rule, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

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

(3) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the petition where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comment: the forms referenced in this rule are available online at www.montcopa.org/courts.

Rule 1028(c). Preliminary Objections.

(1) *Filing.* All preliminary objections shall be filed:

(a) in accordance with Pa.R.C.P. 1028,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

- (3) a proposed order, and
- (4) a certificate of service.

(2) *Response.* The respondent shall file an answer to preliminary objections, if required:

(a) in accordance with Pa.R.C.P. 1028 and Pa.R.C.P. 1029,

(b) within twenty (20) days of the service of the preliminary objections,

(c) along with:

- (1) a cover sheet in the form set forth in Rule 205.2(b),
- (2) a brief or memorandum of law, as set forth in Rule 210,
- (3) a proposed order, and
- (4) a certificate of service.

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

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the Judge may:

(a) Dismiss the preliminary objections where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Preliminary Objections may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Preliminary Objections involving Senior Judges.

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

(1) *Filing.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for judgment on the pleadings:

(a) in accordance with Pa.R.C.P. 1034,

(b) along with:

- (1) a cover sheet in the form set forth in Rule 205.2(b),
- (2) a brief or memorandum of law, as set forth in Rule 210,
- (3) a proposed order, and
- (4) a certificate of service

(2) *Response.* An answer to a motion for judgment on the pleadings is required from the non-moving parties:

(a) in accordance with Pa.R.C.P. 1034,

(b) within thirty (30) days of the service of the motion,

(c) along with:

- (1) a cover sheet in the form set forth in Rule 205.2(b),
- (2) a brief or memorandum of law, as set forth in Rule 210,
- (3) a proposed order, and
- (4) a certificate of service

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

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Motions for Judgment on the Pleadings may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Motions for Judgment on the Pleadings involving Senior Judges.

Rule 1035.2(a). Motion for Summary Judgment.

(1) *Filing.* After the relevant pleadings are closed, and prior to the filing of a trial Praecipe, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment:

(a) in accordance with Pa.R.C.P. 1035.2,

(b) along with:

- (1) a cover sheet in the form set forth in Rule 205.2(b),
- (2) a brief or memorandum of law, as set forth in Rule 210,
- (3) a proposed order, and
- (4) a certificate of service.

(2) *Response.* An answer to a motion for summary judgment is required from the adverse parties:

(a) in accordance with Pa.R.C.P. 1035.3,

(b) within thirty (30) days of the service of the motion,

(c) along with:

- (1) a cover sheet in the form set forth in Rule 205.2(b),
- (2) a brief or memorandum of law, as set forth in Rule 210,
- (3) a proposed order, and
- (4) a certificate of service.

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

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comment: the form referenced in this rule is available online at www.montcopa.org/courts.

[Pa.B. Doc. No. 15-1962. Filed for public inspection November 6, 2015, 9:00 a.m.]

WASHINGTON COUNTY

Local Civil Rule L-810—Washington County Civil Litigation Mediation Program; No. 2015-1

Order

And Now, this 19th day of October, 2015; *It Is Hereby Ordered* that the previously-stated Washington County Local Civil Rule is amended as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

KATHERINE B. EMERY,
President Judge

L-810. Washington County Civil Litigation Mediation Program.

a. Cases listed for trial shall be submitted to the Washington County Civil Litigation Mediation Program. This rule shall not apply to asbestos cases, cases ordered to private mediation under this rule, or medical malpractice cases.

b. The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on civil litigation. A list of mediators shall be maintained by the District Court Administrator, and selected by the Court in consultation with the Washington County Bar Association.

c. The District Court Administrator shall select the cases for mediation from the combined civil trial lists, with preference given for the oldest cases by date of filing. The Court may also at its discretion refer a case to

mediation once it is placed on the trial list. The selection of a case for mediation shall not delay any scheduled trial of the matter.

d. Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance of trial counsel, the parties, and a representative, including an insurance carrier, with authority to enter into a full and complete compromise and settlement is mandatory. If trial counsel, the parties, or a representative fail to appear absent good cause, the mediation will not be held and sanctions shall be entered against the non-appearing individual(s) by the Court upon request of the mediator. Sanctions may include an award of reasonable mediator and attorney's fees and other costs.

e. At least ten (10) days prior to the mediation, each party shall file a mediation statement which must include the following: (1) a succinct explanation of liability and damages; (2) significant legal issues that remain unresolved; (3) summary of medical and expert reports (if applicable); (4) itemized list of damages; and (5) settlement posture and rationale.

1. This requirement shall be deemed satisfied if a party has previously filed a pre-trial statement pursuant to Washington County Local Rule 212.2, in which case the mediation statement shall only provide updated or additional information.

2. Failure to file a mediation statement may result in sanctions, if requested by the mediator.

f. Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted to the Office of the District Court Administrator for processing. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the District Court Administrator.

g. If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the following information: (1) Plaintiff's final settlement demand; (2) Defendant's final settlement offer; (3) the mediator's assessment of liability; (4) the mediator's assessment of damages; (5) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case; and (6) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the District Court Administrator until the case is closed.

h. If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the District Court Administrator.

i. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

j. Notwithstanding the preceding subsections and L-1042.1—1042.20, the Court may in its discretion set a civil case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-

ordered private mediation; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

Note: When selecting a case for ADR before a private mediator, the Court should consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

(1) The method of ADR shall be addressed to the discretion of the private mediator.

(2) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator on their own initiative.

Explanatory Comment

This local rule reflects the strong judicial policy in favor of parties voluntarily settling lawsuits expressed by the Supreme Court of Pennsylvania in *Rothman v. Fillette*, 469 A.2d 543 (Pa. 1983). The use of Court-directed ADR processes reduce the expense of litigation and often times leads to a quicker and more satisfying alternative when compared to continuing on a more traditional path of litigation. An ancillary benefit to ADR is the potential of reducing the burden on the finite resources of the Court.

[Pa.B. Doc. No. 15-1963. Filed for public inspection November 6, 2015, 9:00 a.m.]

WASHINGTON COUNTY

Local Orphans' Court Rule L-1.4—Washington County Orphans' Court Mediation Program; No. 2015-1

Order

And Now, this 19th day of October, 2015; *It Is Hereby Ordered* that the previously-stated Washington County Local Orphans' Court Rule is adopted as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

KATHERINE B. EMERY,
President Judge

L-1.4. Washington County Orphans' Court Mediation Program.

a. Cases filed in the Orphans' Court division may be ordered into the Orphans' Court Mediation Program by the judge to whom the case is assigned.

b. The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on Orphans' Court matters. A list of mediators shall be maintained by the District Court Administrator, and selected by the Court in consultation with the Washington County Bar Association.

c. Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance of lead counsel, the parties, and a representative, including an insurance carrier, with authority to enter into a full and complete compromise and settlement is mandatory. If lead counsel, the parties, or a representa-

tive fail to appear absent good cause, the mediation will not be held and sanctions shall be entered against the non-appearing individual(s) by the Court upon request of the mediator. Sanctions may include an award of reasonable mediator and attorney's fees and other costs.

d. At least ten (10) days prior to the mediation, each party shall file a mediation statement which must include the following: (1) a succinct explanation of the facts and relief sought; (2) significant legal issues that remain unresolved; (3) summary of medical and expert reports (if applicable); (4) itemized list of damages; and (5) settlement posture and rationale. Failure to file a mediation statement may result in sanctions if requested by the mediator.

e. Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted to the Office of the District Court Administrator for processing. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the District Court Administrator.

f. If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the mediator's assessment of the case and the mediator's recommendation regarding settlement. A copy of the report shall be provided to and maintained by the District Court Administrator until the case is closed.

g. If the case is resolved and a settlement agreed upon, the mediation shall send a letter to the Judge, with copies to counsel and the District Court Administrator.

h. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

i. Notwithstanding the preceding subsections the Court may in its discretion set a case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered private mediation; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

Note: When selecting a case for ADR before a private mediator, the Court should consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

(1) The method of ADR shall be addressed to the discretion of the private mediator.

(2) The fact that a case is selected for ADR shall not delay the scheduling of any matter in the case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator on their own initiative.

[Pa.B. Doc. No. 15-1964. Filed for public inspection November 6, 2015, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 21, 2015, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 21, 2015.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Aikens, Carla Dorsey
Vernon Hills, IL

Alberty, Michael Charles
Wheeling, WV

Alpha, Jennifer J.
Washington, DC

Apoldo, Louis James
Cherry Hill, NJ

Ashfield, Alicia T.
Ewing, NJ

Avelino, Alexander Jude
Summit, NJ

Badawy, Margo
Saipan

Baxter, Rachel LeAnn
Piscataway, NJ

Beach, Stephen C.
New York, NY

Berney, Elizabeth Ann
Great Neck, NY

BetzJitomir, Susan Marie
Bath, NY

Blasi, Gregory J.
New York, NY

Block, Peter H.
Santa Monica, CA

Boatright, Douglas Craig
Columbus, OH

Bradley, Elizabeth Bline
Washington, DC

Brent, Adam Luke
Franklinville, NJ

Brentzel, Cathy Marie
Washington, DC

Brown, Angela Kay
Ashburn, VA

Brown, David Jackson
Alexandria, VA

Brown, David Earl
Rockville, MD

Burger, James Daniel
Cherry Hill, NJ

Burke, Douglas Allen
Cape May Court House, NJ

Bush, Denise Marie
New York, NY

Bush, Raymond G.
Andover, MD

Callahan, Tracy Glenn
Warwick, NY

Chung, John Hae
Cherry Hill, NJ

Connell, Janine Marie
Gardiner, NY

Connors, Benjamin John Gehr
Voorhees, NJ

Conrecode, Sean Thomas
Aventura, FL

Corsi, Christopher
Marlton, NJ

Daniel, Maria Antoinette
Barboursville, VA

Davis, Chad Barnett
Vineland, NJ

Davis, Charlene Essie Diane
Ewing, NJ

DeBenedictis, Michael John
Haddonfield, NJ

Degnan, Philip J.
Pennsauken, NJ

DeMaio, Patricia Marie
Baltimore, MD

Diaz, Luis P.
Greer, SC

DiCenso, Happy Melissa
Pepper Pike, OH

Dobbs, Jolisa Melton
Dallas, TX

Dohn, Kathleen Elizabeth
Mount Holly, NJ

Downey, Glen Stephen
Des Moines, IA

Dronson, Kevin John
Haddon Heights, NJ

Edmonds, Timothy DeLoache
Arlington, VA

Edwards, Nicole Chiara
Los Angeles, CA

Elder, III, Albert L.
Washington, DC

Evangelista, Jennifer Choi
Staten Island, NY

Finley, Patrick Galbraith
San Jose, CA

Fiore, Celeste
Montclair, NJ

Galietta, Marian
Marlton, NJ

Galloway, Gerard Melvin
Ellicott City, MD

Gebhard, Susanna Pierce
Bethesda, MD

Givens, Emory
Suitland, MD

Goldstein, Jeffrey M.
Washington, DC

Golub, Franchot A. S.
Haddonfield, NJ

Gordon, Michael Evan
Los Angeles, CA

Goulet, Jr., Robert G.
Acton, MA

Graves, Lisa Rachelle
Cross Plains, WI

Greco, Leonard Paul
New York, NY

Griesacker, James Christopher
Sherman, WV

Gudis, Charlotte L.
New York, NY

Hagerty, Robert John
Moorestown, NJ

Hale, Daniel G.
Livonia, MI

Hamilton, Jr., James J.
Orlando, FL

Handwerker, Gavin Ira
Westfield, NJ

Harris, Nirvana India
Arlington, VA

Harrison, Gina Ceceil
Fulton, MD

Hendriksen, James Andrew
Oakland, CA

Hindson, Matthew William
Sicklerville, NJ

Homola, Steven Charles
Silver Spring, MD

Huang, Nelson L.
Pasadena, CA

Hughes, Scott Thomas
Cranbury, NJ

Hull, IV, John Daniel
San Diego, CA

Jackson, Gianna S.
Williamstown, NJ

Jacob, Benjamin Thomas
San Jose, CA

Jefferis, Jason Michael
Newark, DE

Jenkins, III, Paul Francis
Cherry Hill, NJ

Johnson, Marc Christian
Longport, NJ

Jones, Michael John
Hackensack, NJ

Kagan, Rachel Elizabeth
New York, NY

Kattner, Jeremy Paul-Francis
Roswell, GA

Kaur, Simran
Richmond Hill, NY

Kehrli, Christopher Robert
Morristown, NJ

Klemm, Paul John
Roseland, NJ

Koory, Gregory Anthony
Troy, MI

Krasowski, Kristy L.
Williamstown, NJ

Laine, Heikki Kalervo
Pittstown, NJ

Lappas, Alexandria Julia
Silver Spring, MD

LeConey, Meredith Myers
Mullica Hill, NJ

Lee, Mark McKelvie
Wilmington, DE

Lee, Sungkyu Scott
Flemington, NJ

Lieberman, Nina Ellen Abraham
New York, NY

Love, James H.
Tucson, AZ

Lynde, Marc Randy
New York, NY

Macdonald, Alexander George
Chicago, IL

Margolis, Joshua Peter
Las Vegas, NV

Marshall, Husniyyah Johnson
Alpharetta, GA

Martynowski, Sarah Katherine
Freehold, NJ

McAvoy, Cozette Marie
East Hanover, NJ

McCaffrey, Michael Paul
West Deptford, NJ

McCartney, Justin Michael
Browns Mills, NJ

McCarty, Jr., William H.
Bristow, VA

McCloskey, Kevin Edward
Morgantown, WV

McCowan, Allison Jean
Wilmington, DE

Milligan, Gina Marie
New Bedford, MA

Min, Joyce
North Brunswick, NJ

Min, Leah Ann HyungJu
Philippines

Mitchell, Cheryl Ann
New York, NY

Moles, Justin Michael
Robbinsville, NJ

Mure, James Anthony
Moorestown, NJ

Murphy, James E.
Mount Laurel, NJ

Murphy, Robert Emile
Washington, DC

Nagele-Piazza, Lisa Ann
Arlington, VA

Nwadiora, Chinwe
Hollywood, CA

O'Connell, Thomas B.
Collingswood, NJ

Ostrelch, Michelle Lynne
Niskayuna, NY

Pak, Robert Young
Mount Holly, NJ

Pavri, Cavas Shapur
Washington, DC

Pemberton, Christian A.
Sicklerville, NJ

Pendleton, Jr., Brian John
Short Hills, NJ

Perry, III, Enoch
Mitchellville, MD

Renneisen, Michael G.
Shreveport, LA

Riband, Herbert Francis
Switzerland

Riley, Matthew Barker
Alexandria, VA

Santoro, Eric
Wilmington, DE

Schatz, Gordon Brick
Washington, DC

Seem, Steven Joseph
Palo Alto, CA

Seigel, Michael L.
Tampa, FL

Shapiro, Marc Simon
Columbia, MD

Silver, Howard J.
Lexington, MA

Singleton, Carolyn Marie
Merchantville, NJ

Sitaraman, Nicole Williams
Washington, DC

Sussman, Stephen
New York, NY

Taliaferro, Adam Joseph
Swedesboro, NJ

Vichinsky, Jason Harris
Corning, NY

Viggiano, Monica Michelle
Haddonfield, NJ

Walsh, Andrew Edan
Washington, DC

Weigel, Kathrin Susan
Cape May, NJ

Wetzel, Amber Lynn
Silver Spring, MD

Wilkins, Stuart
Voorhees, NJ

Williams, III, Charles Thomas
Wilmington, DE

Winick, Zachary Leonard
Scarsdale, NY

Wright, Gail J.
New York, NY

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 15-1965. Filed for public inspection November 6, 2015, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Replacement Costs for Wildlife Killed

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 29, 2015, meeting, amended § 131.8 (relating to replacement costs for wildlife killed) to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 45 Pa.B. 4921 (August 22, 2015).

1. Purpose and Authority

In accordance with goals established in the Pennsylvania Bald Eagle Management Plan, 2010-2019, the Commission determined that the bald eagle (*Haliaeetus leucocephalus*) achieved a population level and geographical distribution that no longer met the definition of a threatened species. As a result, on March 15, 2014, the bald eagle was officially removed from the Commonwealth's threatened species list. Notwithstanding the delisting, the bald eagle's population and the population of the golden eagle (*Aquila chrysaetos*) necessitate further protection from unlawful takings in the form of increased replacement costs.

Section 925(i) of the code (relating to jurisdiction and penalties) specifically states that "[i]n addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the magisterial district judge in such amount as is fixed by regulation of the commission." The Commission amends § 131.8 to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 131.8 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 131.8 to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

3. Persons Affected

Persons who unlawfully take or kill bald or golden eagles in this Commonwealth will be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 131, are amended by amending § 131.8 to read as set forth at 45 Pa.B. 4921.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 4921 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-386 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1966. Filed for public inspection November 6, 2015, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Mammals

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 29, 2015, meeting, amended § 133.41 (relating to classification of mammals) to remove the Delmarva Fox Squirrel from the State endangered species list and update the common name of the Eastern woodrat to the Allegheny woodrat.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 45 Pa.B. 4922 (August 22, 2015).

1. Purpose and Authority

The Commission amends § 133.41 to remove the Delmarva Fox Squirrel from the State endangered species list and update scientific nomenclature. The first amendment pertains to the Delmarva Fox Squirrel (*Sciurus niger niger*). This is one of three subspecies of fox squirrel listed in this Commonwealth. The species was historically present in only a very limited portion of southeastern Pennsylvania. A reintroduction attempted in 1989 resulted in no documented survival past 1 year. Suitable habitat for this species within its historic range no longer exists. No documented sightings of this species have been recorded in the 25 years subsequent to the reintroduction effort. The Mammal Technical Committee, a scientific advisory committee of the Pennsylvania Biological Survey, recommended that the status of the fox squirrel be changed to State extirpated and that it be removed from the list of State endangered mammals. The Delmarva Fox Squirrel population across the species core range in coastal portions of Delaware, Maryland and Virginia is considered stable.

The second amendment updates the common name of the Eastern woodrat to the Allegheny woodrat. Based upon genetic and morphological evidence, the Eastern woodrat has been split into two species—the Eastern woodrat and the Allegheny woodrat. The Allegheny woodrat (*Neotoma magister*) inhabits this Commonwealth and is currently listed as threatened. The Eastern woodrat is not found in this Commonwealth.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to “[a]dd to or change the classification of any wild bird or wild animal.” Section 2167(a) of the code (relating to endangered or threatened species) states that “[t]he commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.” The amendments to § 133.41 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 133.41 to remove the Delmarva Fox Squirrel from the State endangered species list and also update the common name of the Eastern woodrat to the Allegheny woodrat.

3. Persons Affected

Persons interacting with the Delmarva Fox Squirrel or Allegheny woodrat within this Commonwealth may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 133, are amended by amending § 133.41 to read as set forth at 45 Pa.B. 4922.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 4922 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-384 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1967. Filed for public inspection November 6, 2015, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; Goose Hunting Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 29, 2015, meeting, amended § 135.104 (relating to restrictions on controlled goose hunting areas) to limit persons to harvesting one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 45 Pa.B. 4920 (August 22, 2015).

1. Purpose and Authority

The controlled goose hunting program on the Middle Creek Wildlife Management Area provides opportunities for hunters to harvest Canada geese during the regular goose hunting season. Each year a number of hunters are selected to hunt from blinds through a public drawing. Hunters may subsequently enter into a drawing on later

days for unclaimed blinds where they may take additional geese, but remain within the 1 goose per day daily bag limit.

Hunter success rates have been declining in the controlled goose hunting area due in part to declining resident goose populations, fewer migrant geese and higher harvest rates on geese in areas surrounding Middle Creek. The September season daily limits and regular season daily bag limits have been reduced to increase resident goose populations. Additionally, the September hunting season was closed on State Game Land No. 46. In a further effort to help increase Canada goose populations on Middle Creek, the Commission amends § 135.104 to limit the take in the controlled goose hunting area to one Canada goose per person per season.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.104 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 135.104 to limit persons to harvesting one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.

3. *Persons Affected*

Persons wishing to hunt Canada geese at the Middle Creek Wildlife Management Area controlled goose hunting area will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.104 to read as set forth at 45 Pa.B. 4920.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 4920 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-383 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1968. Filed for public inspection November 6, 2015, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 143 AND 147]

Hunting and Furtaker Licenses; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 29, 2015, meeting, amended §§ 143.182, 143.185 and 147.804 (relating to definitions; the license; and general) to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 45 Pa.B. 4919 (August 22, 2015).

1. *Purpose and Authority*

Since the successful implementation of the Mentored Youth Hunting Program in fall 2006, the Commission has been striving to improve upon the successes of this mentor-based program. Sporting organizations and other interested groups have continued to encourage the Commission to expand mentored youth hunting opportunities in this Commonwealth to additional species, including the cottontail rabbit and mourning dove. Importantly, the mourning dove is defined as a migratory bird species and requires the acquisition of a Migratory Game Bird License to facilitate the Harvest Information Program (HIP). HIP is a cooperative state and Federal program designed to improve the information collected regarding the harvest of migratory game birds. The Commission amends §§ 143.182, 143.185 and 147.804 to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate

regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 143.182, 143.185 and 147.804 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends §§ 143.182, 143.185 and 147.804 to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

3. *Persons Affected*

Persons wishing to hunt cottontail rabbit and mourning dove under the Mentored Youth Hunting Program will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

The Commission received one official comments in general opposition to the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 143 and 147, are amended by amending §§ 143.182, 143.185 and 147.804 to read as set forth at 45 Pa.B. 4919.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 4919 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-387 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-1969. Filed for public inspection November 6, 2015, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 10.126: Bronze Conservation: Statuary. This project involves the inspection, cleaning and conservation maintenance of exterior bronze sculptures at the South Capitol Plaza (Hartranft Memorial) and South Capitol Park (Boise Penrose Monument).

A \$100 deposit is required for issuance of project documents. The issue date of proposal will be on December 21, 2015. A mandatory preproposal conference and walk through will be held on January 5, 2016, at 11:30 a.m. in Room 630, Main Capitol Building, Harrisburg, PA. The proposal receipt date is February 11, 2016, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 15-1970. Filed for public inspection November 6, 2015, 9:00 a.m.]

Request for Proposals

CPC 15.153: Bronze Conservation of Exterior Fixtures and Doors. This project involves the following: inspection, cleaning and conservation maintenance of bronze architectural exterior light fixtures at the center main entry to the Capitol Building; removal of and offsite refinishing and reinstallation of existing bronze rail caps; yearly maintenance cleaning of miscellaneous building accessories; rinsing of selected masonry walls, ceiling and façade areas; inspection, cleaning and conservation maintenance of the west main entry doors, north wing, center wing and south wing; vestibule enclosures of the north and south wing entry points; repair, preparation, refinishing and reinstallation of the center wing revolving door hardware.

A \$100 deposit is required for issuance of project documents. The issue date of proposal will be on December 21, 2015. A mandatory preproposal conference and walk through will be held on January 5, 2016, at 10 a.m. in Room 630, Main Capitol Building, Harrisburg, PA. The proposal receipt date is February 11, 2016, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 15-1971. Filed for public inspection November 6, 2015, 9:00 a.m.]

Request for Proposals

CPC 15.159: Mercer Tile Preservation Maintenance. This project involves the cyclical cleaning and routine maintenance of the first floor Mercer Tile areas, marble base, second floor marble floor areas, elevator terrazzo floors and metal saddles, and miscellaneous bronze items at the Main Capitol Building. Specific task sets will be scheduled on a biweekly (each 2-week period) and special tasks on a yearly basis.

A \$100 deposit is required for issuance of project documents. The issue date of proposal will be on December 21, 2015. A mandatory preproposal conference and walk through will be held on January 5, 2016, at 2 p.m. in Room 630, Main Capitol Building, Harrisburg, PA. The proposal receipt date is February 11, 2016, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 15-1972. Filed for public inspection November 6, 2015, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 27, 2015.

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

BANKING INSTITUTIONS
Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 10-23-2015 | Nextier, Inc. Kittanning Armstrong County Application for approval to acquire 100% of Eureka Financial Corporation, Pittsburgh, and thereby indirectly acquire 100% of Eureka Bank, Financial Savings Association, Pittsburgh. | Filed |
| 10-27-2015 | ESSA Bancorp, Inc. Stroudsburg Monroe County Application for approval to acquire 100% of Eagle National Bancorp, Inc., Upper Darby, and thereby indirectly acquire 100% of Eagle National Bank, Upper Darby. | Approved |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 10-27-2015 | ESSA Bank & Trust Stroudsburg Monroe County Application for approval to merge Eagle National Bank, Upper Darby, with and into ESSA Bank & Trust, Stroudsburg. | Approved |

Branch Applications

Branch Discontinuances

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 10-23-2015 | Riverview Bank Marysville Perry County | 121 Progress Avenue Pottsville Schuylkill County | Closed |
| 10-16-2015 | Northwest Bank Warren Warren County | 5624 Peach Street Erie Erie County | Closed |

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-1973. Filed for public inspection November 6, 2015, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|---|----------------------------|
| PA0061051 (Sewage) | Farda Realty Land Development STP (FKA Outback Lodge & Water Park) Route 715 Tannersville, PA 18372 | Monroe County Pocono Township | Unnamed Tributary to Pocono Creek (1-E) | Y |
| PA0060640 (Sewage) | Saw Creek Estates WWTF Winona Falls Road Bushkill, PA 18324 | Pike County Lehman Township | Saw Creek (1-D) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---------------------------------------|---|----------------------------|
| PA0102431 (Sewage) | Cedar Acres MHP Old Rte 108 New Castle, PA 16101 | Lawrence County Scott Township | Unnamed Tributary of Slippery Rock Creek (20-C) | Y |
| PA0103608 (Sewage) | Country Acres MHP 25622 Trailer Court A Country Acres Guys Mills, PA 16327 | Crawford County East Mead Township | Unnamed Tributary to Little Sugar Creek (16-D) | Y |
| PA0029726 (Sewage) | Jamestown Municipal STP Main Street Extension Jamestown, PA 16134 | Mercer County Jamestown Borough | Shenango River (20-A) | Y |

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

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

PA0060330, Sewage, SIC Code 4952, **Hawley Area Authority Wayne County**, 1010 Hudson Street, Hawley, PA 18428. Facility Name: Hawley Area Authority Wastewater Treatment Plant (WWTP). This existing facility is located in Lackawaxen Township, **Pike County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage with modifications to allow for future WWTP upgrades (no change in permit basis flow) in accordance with the DRBC Docket D-1981-029 CP-2 (Chapter 92a.12). The new permit limits will become effective upon WWTP upgrade completion (after Water Quality Management permitting and construction) per the DRBC Docket.

The receiving stream(s), Lackawaxen River, is located in State Water Plan watershed 1-B and is classified for High Quality Waters—Trout Stocking and Migratory fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.20 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|---|-----------------|---------------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Weekly Average | Minimum | Average Monthly | Daily Maximum | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (Interim) | XXX | XXX | XXX | 1.0 | XXX | 2.0 |
| (Final) | XXX | XXX | XXX | 0.50 | XXX | 0.75 |
| CBOD ₅ Influent | XXX | XXX | XXX | Report | XXX | XXX |
| CBOD ₅ | 42.0 | 67.0 | XXX | 25.0 | 40.0 | 50.0 |
| | | | | | Wkly Avg | |
| Total Suspended Solids Influent | XXX | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | 50.0 | 75.0 | XXX | 30.0 | 45.0 | 60.0 |
| | | | | | Wkly Avg | |
| Total Dissolved Solids | XXX | XXX | XXX | 1,000 | XXX | 2,000 |
| Fecal Coliform (CFU/100 ml) May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| | | | | Geo Mean | | |
| Nitrate-Nitrite as N (Interim) | Report | XXX | XXX | Report | Report | XXX |
| (Final) | 14.8 | XXX | XXX | Report | Report | XXX |
| Total Nitrogen | Report | XXX | XXX | Report | Report | XXX |
| Ammonia-Nitrogen May 1 - Oct 31 | 6.7 | XXX | XXX | 4.0 | XXX | 8.0 |
| Nov 1 - Apr 30 | 20.0 | XXX | XXX | 12.0 | XXX | 24.0 |
| Total Kjeldahl Nitrogen (Interim) | Report | XXX | XXX | Report | Report | XXX |
| (Final) | 10.5 | XXX | XXX | Report | Report | XXX |
| Total Phosphorus (Interim) | Report | XXX | XXX | Report | Report | XXX |
| (Final) | 5.1 | XXX | XXX | Report | Report | XXX |
| Total Copper | Report | XXX | XXX | Report | Report | XXX |
| UV Dosage (mWsec/cm ²) (Final) | XXX | XXX | Report | XXX | XXX | XXX |

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

- Stormwater prohibition; Necessary property rights; Proper management of residuals; Chlorine Minimization; WQM Permit Application (WWTP upgrades); Changes to Stream/Discharge; Solids Management conditions.

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

The EPA Waiver is in effect.

PA0275727, IW, SIC Code 4911, **Lackawanna Energy Center LLC**, One South Wacker Drive, Chicago, IL 60606. Facility Name: Lackawanna Energy Center. This proposed facility is located in Jessup Borough, **Lackawanna County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated cooling tower blowdown, low volume industrial wastewater (discharges from oil/water separator, reverse osmosis system, electrode ionization system, evaporative cooler, wash water and miscellaneous plant wastewaters), chiller effluent, and stormwater.

The receiving stream(s), Grassy Island Creek and Unnamed Tributary to the Lackawanna River are located in State Water Plan watershed 5-A and are classified for Cold Water Fishes, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed treated effluent limits for Outfall 001 are based on a design flow of 0.29 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 0 | XXX | XXX |
| Temperature (°F) | | | | | | |
| Jan 1-31 | XXX | XXX | XXX | XXX | 49.7 | XXX |
| Feb 1-29 | XXX | XXX | XXX | XXX | 47.6 | XXX |
| Mar 1-31 | XXX | XXX | XXX | XXX | 61.2 | XXX |
| Apr 1-15 | XXX | XXX | XXX | XXX | 65.0 | XXX |
| Apr 16-30 | XXX | XXX | XXX | XXX | 61.5 | XXX |
| May 1-15 | XXX | XXX | XXX | XXX | 60.7 | XXX |
| May 16-31 | XXX | XXX | XXX | XXX | 64.7 | XXX |
| Jun 1-15 | XXX | XXX | XXX | XXX | 66.7 | XXX |
| Jun 16-30 | XXX | XXX | XXX | XXX | 70.7 | XXX |
| Jul 1-31 | XXX | XXX | XXX | XXX | 73.6 | XXX |
| Aug 1-31 | XXX | XXX | XXX | XXX | 72.3 | XXX |
| Sep 1-15 | XXX | XXX | XXX | XXX | 68.0 | XXX |
| Sep 16-30 | XXX | XXX | XXX | XXX | 62.0 | XXX |
| Oct 1-15 | XXX | XXX | XXX | XXX | 57.1 | XXX |
| Oct 16-31 | XXX | XXX | XXX | XXX | 53.1 | XXX |
| Nov 1-15 | XXX | XXX | XXX | XXX | 48.5 | XXX |
| Nov 16-30 | XXX | XXX | XXX | XXX | 44.9 | XXX |
| Dec 1-31 | XXX | XXX | XXX | XXX | 51.0 | XXX |
| CBOD ₅ | XXX | XXX | XXX | 73.56 | XXX | XXX |
| Total Suspended Solids | Report | XXX | XXX | 30.0 | 100.0 | XXX |
| Total Dissolved Solids | Report | XXX | XXX | 1,042 | XXX | XXX |
| Oil and Grease | XXX | XXX | XXX | 15.0 | 20.0 | 30.0 |
| Nitrate-Nitrite as N | XXX | XXX | XXX | 10.4 | XXX | XXX |
| Total Nitrogen | Report | XXX | XXX | 10.11 | XXX | XXX |
| Ammonia-Nitrogen | XXX | XXX | XXX | 0.03 | XXX | XXX |
| Nitrate as N | XXX | XXX | XXX | 12.09 | XXX | XXX |
| Nitrite as N | XXX | XXX | XXX | 0.07 | XXX | XXX |
| Total Phosphorus | Report | XXX | XXX | 0.51 | XXX | XXX |
| Total Aluminum (µg/L) | Report | XXX | XXX | 750 | 1,875 | XXX |
| Total Chromium (µg/L) | Report | XXX | XXX | 200 | 200 | XXX |
| Total Copper (µg/L) | XXX | XXX | XXX | 6.9 | 17.2 | XXX |
| Dissolved Iron (µg/L) | Report | XXX | XXX | 300 | 750 | XXX |
| Total Iron (µg/L) | Report | XXX | XXX | 1,500 | 3,750 | XXX |
| Total Lead (µg/L) | XXX | XXX | XXX | 1.7 | 4.3 | XXX |
| Total Manganese (µg/L) | Report | XXX | XXX | 1,000 | 2,500 | XXX |
| Total Mercury (µg/L) | XXX | XXX | XXX | 0.1 | 0.2 | XXX |
| Total Nickel (µg/L) | XXX | XXX | XXX | 6.9 | 17.2 | XXX |
| Total Selenium (µg/L) | XXX | XXX | XXX | 9.5 | 23.8 | XXX |
| Sulfate | Report | XXX | XXX | 245.27 | 613.18 | XXX |
| Total Zinc (µg/L) | Report | XXX | XXX | 146 | 228 | XXX |
| Total Priority Pollutants (µg/L) | XXX | XXX | XXX | Report | XXX | XXX |
| Chloride | Report | XXX | XXX | 207.7 | 519.3 | XXX |
| Chlorodibromomethane (µg/L) | XXX | XXX | XXX | 3.4 | 8.5 | XXX |
| Dichlorobromomethane (µg/L) | XXX | XXX | XXX | 4.7 | 11.7 | XXX |
| Bis(2-Ethylhexyl)Phthalate (µg/L) | XXX | XXX | XXX | 10.3 | 25.8 | XXX |
| Chloroform (µg/L) | XXX | XXX | XXX | 48.6 | 121.6 | XXX |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD (Stormwater).

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|------------------------|-----------------|-----|---------|----------------------|---------------|------------------|
| | Average Monthly | | Minimum | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Nickel | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for IMP 201 are based on a design flow of 0.0 MGD (Stormwater).

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|------------------------|-----------------|-----|---------|----------------------|---------------|------------------|
| | Average Monthly | | Minimum | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Nickel | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for IMP 301 are based on a design flow of 0.0 MGD (Stormwater).

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|------------------------|-----------------|-----|---------|----------------------|---------------|------------------|
| | Average Monthly | | Minimum | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Nickel | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

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

- Chemical additives
- Stormwater

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

The EPA Waiver is not in effect.

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

PA0038415, Sewage, SIC Code 4952, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025. Facility Name: East Pennsboro Township STP. This existing facility is located in East Pennsboro Township, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.4 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-------------------------|-----------------|---------------|---------|----------------------|----------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Weekly Average | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | 917 | 1,467 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|---|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Total Suspended Solids | 1,100 | 1,651 Wkly Avg | XXX | 30 | 45 | 60 |
| Total Suspended Solids Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen May 1 - Oct 31 | 293 | XXX | XXX | 8.0 | XXX | 16 |
| Nov 1 - Apr 30 | 770 | XXX | XXX | 21 | XXX | Report |
| Total Phosphorus | 61 | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Copper | 1.9 | XXX | XXX | 0.05 | XXX | 0.12 |
| Total Zinc | 15 | XXX | XXX | 0.42 | XXX | 1.05 |
| Acute Toxicity—Ceriodaphnia Survival (TUa) | XXX | XXX | XXX | XXX | 1.0 Daily Max | 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> |
| Ammonia—N | Report | Report | | Report | |
| Kjeldahl—N | Report | | | Report | |
| Nitrate-Nitrite as N | Report | | | Report | |
| Total Nitrogen | Report | Report | | Report | |
| Total Phosphorus | Report | Report | | Report | |
| Net Total Nitrogen | Report | 72,206 | | | |
| Net Total Phosphorus | Report | 9,589 | | | |

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

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

- Total Nitrogen offsets of 650 lbs/year toward compliance with the Annual Net TN mass load limitation based on connection of 26 on-lot sewage disposal systems to the public sewer after January 1, 2003.
- Solids Management
- Whole Effluent Toxicity (WET) Testing Requirements
- Stormwater Requirements

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

The EPA Waiver is not in effect.

PA0020885, Sewage, SIC Code 4952, **Mechanicsburg Borough**, 36 West Allen Street, Mechanicsburg, PA 17055. Facility Name: Mechanicsburg STP. This existing facility is located in Mechanicsburg Borough, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.08 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.45 | XXX | 1.48 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| CBOD ₅ | 433 | 693 Wkly Avg | XXX | 25 | 40 | 50 |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 520 | 780 Wkly Avg | XXX | 30 | 45 | 60 |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 156 | XXX | XXX | 9.0 | XXX | 18 |
| Nov 1 - Apr 30 | 277 | XXX | XXX | 16 | XXX | 32 |
| Total Phosphorus | 34 | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Copper | XXX | XXX | XXX | Report | XXX | XXX |
| Total Dissolved Solids | XXX | XXX | XXX | Report | XXX | XXX |
| Sulfate | XXX | XXX | XXX | Report | XXX | XXX |
| Chloride | XXX | XXX | XXX | Report | XXX | XXX |
| Bromide | XXX | XXX | XXX | Report | XXX | XXX |

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

| <i>Parameters</i> | <i>Mass (lbs)</i> | | | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 37,990 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 5,065 | XXX | XXX | XXX |

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

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

- Chesapeake Bay Nutrient Monitoring
- Whole Effluent Toxicity Testing
- Stormwater Monitoring

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

The EPA Waiver is not in effect.

PA0088781, Industrial Waste, SIC Code 4911, **Calpine Mid Merit, LLC**, 500 Delaware Avenue, Suite 600, Wilmington, DE 19801. Facility Name: York Energy Center. This existing facility is located in Peach Bottom Township, **York County**.

Description of Existing Activity: The application is for a renewal and transfer of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream, Susquehanna River, is located in State Water Plan watershed 7-I 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 6.01 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Free Available Chlorine | XXX | XXX | XXX | XXX | 0.2 | 0.5 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Temperature (°F) | XXX | XXX | XXX | XXX | Report | 110 |
| Total Suspended Solids | | | | | | |
| Effluent Net | XXX | XXX | XXX | 30 | 60 | 75 |
| Total Dissolved Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Total Aluminum | 137 | 215 | XXX | 2.743 | 4.280 | 6.858 |
| Total Chromium | XXX | XXX | XXX | XXX | 0.2 | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | 1.0 | XXX |
| Sulfate | XXX | XXX | XXX | XXX | Report | XXX |
| Chloride | XXX | XXX | XXX | XXX | Report | XXX |
| Bromide | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.

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

The proposed effluent limits for Outfall 100 are based on an internal flow rate of 0.3 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Effluent Net | XXX | XXX | XXX | 30 | 100 | XXX |
| Oil and Grease | | | | | | |
| Effluent Net | XXX | XXX | XXX | 15 | 20 | 30 |

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

The EPA Waiver is not in effect.

PA0248053, Sewage, SIC Code 8811, **Brandon Arter**, 114 Oak Tree Road, Manheim, PA 17545. Facility Name: Brandon Arter Residence. This existing facility is located in Rapho Township, **Lancaster County**.

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

The receiving stream, Unnamed Tributary to Rife Run, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | Report | XXX | Report |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geo Mean | | |

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

The EPA Waiver is not in effect.

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

PA0095273, SIC Code 1381, **Fluid Recovery Service LLC**, PO Box 232, Creekside, PA 15732. Facility Name: FRS Josephine Facility. This existing facility is located in Burrell Township, **Indiana County**.

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

The receiving stream(s), Blacklick Creek, is located in State Water Plan watershed and is classified for Cold Water Fishery, 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 0.155 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|---|-----------------|---------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| BOD ₅ (Final) | XXX | XXX | XXX | 53 | 163 | 204 |
| Total Suspended Solids (Final) | XXX | XXX | XXX | 30 | 60 | 75 |
| Total Dissolved Solids (Interim) | Report | Report | XXX | Report | Report | XXX |
| (Final) | Report | Report | XXX | 500 | 1,000 | 1,250 |
| Oil and Grease | XXX | XXX | XXX | 15 | 30 | XXX |
| Acidity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Alkalinity, Total (as CaCO ₃) Effluent Net | XXX | XXX | 0 | XXX | XXX | XXX |
| Alkalinity, Total (as CaCO ₃) | XXX | XXX | Report | Report | Report | XXX |
| Total Aluminum (Final) | Report | Report | XXX | 0.75 | 0.75 | 0.75 |
| Total Antimony (Interim) | XXX | XXX | XXX | 0.206 | 0.249 | 0.515 |
| (Final) | XXX | XXX | XXX | 0.0312 | 0.111 | 0.139 |
| Total Arsenic (Interim) | XXX | XXX | XXX | 0.104 | 0.162 | 0.26 |
| (Final) | XXX | XXX | XXX | 0.0199 | 0.0993 | 0.124 |
| Total Barium (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | 10 | 20 | 25 |
| Total Cadmium (Final) | XXX | XXX | XXX | 0.0102 | 0.0172 | 0.0255 |
| Total Chromium (Interim) | XXX | XXX | XXX | 0.323 | 0.746 | 0.808 |
| (Final) | XXX | XXX | XXX | 0.0522 | 0.167 | 0.209 |
| Total Cobalt (Interim) | XXX | XXX | XXX | 0.124 | 0.192 | 0.31 |
| (Final) | XXX | XXX | XXX | 0.0703 | 0.182 | 0.2275 |
| Total Copper (Interim) | XXX | XXX | XXX | 0.242 | 0.500 | 0.605 |
| (Final) | XXX | XXX | XXX | 0.216 | 0.500 | 0.54 |
| Total Iron (Final) | Report | Report | XXX | 1.5 | 3.0 | 3.0 |
| Total Lead (Final) | XXX | XXX | XXX | 0.160 | 0.350 | 0.4 |
| Total Manganese (Final) | Report | Report | XXX | 1.0 | 2.0 | 2.0 |
| Total Mercury (Interim) | XXX | XXX | XXX | 0.000739 | 0.00234 | 0.00293 |
| (Final) | XXX | XXX | XXX | 0.000246 | 0.000641 | 0.000801 |
| Total Nickel (Interim) | XXX | XXX | XXX | 1.45 | 3.95 | 4.94 |
| (Final) | XXX | XXX | XXX | 0.309 | 0.794 | 0.993 |
| Total Selenium (Interim) | XXX | XXX | XXX | Report | Report | XXX |

NOTICES

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| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|----------------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| (Final) | XXX | XXX | XXX | 0.0698 | 0.176 | 0.22 |
| Total Silver | | | | | | |
| (Interim) | XXX | XXX | XXX | 0.0351 | 0.120 | 0.15 |
| (Final) | XXX | XXX | XXX | 0.0122 | 0.0318 | 0.0398 |
| Total Strontium | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | 10 | 20 | 25 |
| Sulfate | | | | | | |
| (Final) | Report | Report | XXX | Report | Report | XXX |
| Total Uranium (µg/L) | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | XXX | Report Max | XXX |
| Total Thallium | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | 0.027 | 0.042 | 0.0675 |
| Total Tin | | | | | | |
| (Interim) | XXX | XXX | XXX | 0.12 | 0.335 | 0.419 |
| (Final) | XXX | XXX | XXX | 0.0367 | 0.0955 | 0.1194 |
| Total Titanium | | | | | | |
| (Interim) | XXX | XXX | XXX | 0.0618 | 0.0947 | 0.155 |
| (Final) | XXX | XXX | XXX | 0.00612 | 0.0159 | 0.0199 |
| Total Vanadium | | | | | | |
| (Interim) | XXX | XXX | XXX | 0.0662 | 0.218 | 0.273 |
| (Final) | XXX | XXX | XXX | 0.0518 | 0.0628 | 0.130 |
| Total Zinc | | | | | | |
| (Interim) | XXX | XXX | XXX | 0.420 | 0.497 | 1.05 |
| (Final) | XXX | XXX | XXX | 0.252 | 0.497 | 0.63 |
| o-Cresol | | | | | | |
| (Final) | XXX | XXX | XXX | 0.561 | 1.92 | 2.4 |
| 2,4,6-Trichlorophenol | | | | | | |
| (Final) | XXX | XXX | XXX | 0.106 | 0.155 | 0.265 |
| Phenol | | | | | | |
| (Final) | XXX | XXX | XXX | 1.08 | 3.65 | 4.56 |
| Acetone | | | | | | |
| (Final) | XXX | XXX | XXX | 7.97 | 30.2 | 37.8 |
| Acetophenone | | | | | | |
| (Final) | XXX | XXX | XXX | 0.0562 | 0.114 | 0.141 |
| Ethylbenzene | | | | | | |
| (Final) | XXX | XXX | XXX | Report | Report | XXX |
| Benzene | | | | | | |
| (Interim) | XXX | XXX | XXX | 0.01 | 0.02 | XXX |
| (Final) | XXX | XXX | XXX | 0.001 | 0.002 | XXX |
| Butyl Benzyl Phthalate | | | | | | |
| (Final) | XXX | XXX | XXX | 0.0887 | 0.188 | 0.222 |
| Total BTEX | | | | | | |
| Chloride | | | | | | |
| (Interim) | Report | Report | XXX | Report | Report | XXX |
| (Final) | Report | Report | XXX | 250 | 500 | 625 |
| Bromide | | | | | | |
| (Final) | Report | Report | XXX | Report | Report | XXX |
| 2-Butanone | | | | | | |
| (Final) | XXX | XXX | XXX | 1.85 | 4.81 | 6.01 |
| Bis(2-Ethylhexyl)Phthalate | | | | | | |
| (Final) | XXX | XXX | XXX | 0.101 | 0.215 | 0.253 |
| Fluoranthene | | | | | | |
| (Final) | XXX | XXX | XXX | 0.0268 | 0.0537 | 0.067 |
| Carbazole | | | | | | |
| (Final) | XXX | XXX | XXX | 0.276 | 0.598 | 0.69 |
| n-Decane | | | | | | |
| (Final) | XXX | XXX | XXX | 0.437 | 0.948 | 1.09 |
| n-Octadecane | | | | | | |
| (Final) | XXX | XXX | XXX | 0.302 | 0.589 | 0.755 |
| p-Cresol | | | | | | |
| (Final) | XXX | XXX | XXX | 0.205 | 0.698 | 0.873 |
| Pyridine | | | | | | |
| (Final) | XXX | XXX | XXX | 0.182 | 0.370 | 0.455 |
| Toluene | | | | | | |
| (Final) | XXX | XXX | XXX | Report | Report | XXX |

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-------------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Total Xylenes | XXX | XXX | XXX | Report | Report | XXX |
| Gross Alpha (pCi/L) | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | XXX | Report Max | XXX |
| Radium 226/228, Total (pCi/L) | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | XXX | Report Max | XXX |

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

- Chemical Additives, Kiskiminetas-Conemaugh TMDL Allocated Load

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

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

PA0264105, Sewage, SIC Code 8800, **Miller Larry M**, 2313 Saltsman Road, Erie, PA 16510. Facility Name: Larry Miller SRSTP. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single family residence.

The receiving stream, an unnamed tributary to Sixmile Creek, is located in State Water Plan watershed 15 and is classified for cold water fishes and migratory fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| BOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geo Mean | | |

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

- Aerobic Tank Pumping Requirement
- Abandonment of the Treatment System
- Annual Submittal of an Annual Maintenance & Discharge Monitoring Reports

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

The EPA Waiver is in effect.

PA0273163, Sewage, SIC Code 8800, **Alan Thompson**, 101 Chapman Road, Warren, PA 16365. Facility Name: Alan Thompson SRSTP. This proposed facility is located in Glade Township, **Warren County**.

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

The receiving stream, an Unnamed Tributary to the Glade Run, is located in State Water Plan watershed 16-B 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 0.0004 MGD.

| Parameters | Mass (lbs/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | Report | XXX | XXX |
| BOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geo Mean | | |

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

The EPA Waiver is in effect.

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

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

WQM Permit No. WQG010049, Sewage, **John M. Kail**, 8 White Clay Drive, Landenberg, PA 19350.

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

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

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

WQM Permit No. 2211404, Amendment No. 1, Sewerage, **Borough of Hummelstown**, 136 S. Hanover Street, Hummelstown, PA 17036.

This proposed facility is located in Hummelstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for an upgrade to existing sewage pump station #3 to accommodate a proposed 142 unit apartment complex project. Upgrades include new higher pumping capacity pumps and installation of an emergency generator and automatic transfer switch.

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

WQM Permit No. 6513200, Industrial Waste, **Tenaska PA Partners LLC**, 14302 Fnb Parkway, Omaha, NE 68154.

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

Description of Proposed Action/Activity: Electric power generating facility.

WQM Permit No. 0215416, Sewage, **W Elizabeth Sanitary Authority**, 125 Lower First St, West Elizabeth, PA 15088.

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

Description of Proposed Action/Activity: West Elizabeth Sewage Treatment Plant expansion including installation of a Sequential Batch Reactor.

WQM Permit No. 5615406, Sewage, **AK Coal Resources Inc.**, 1134 Stoystown Road, Friedens, PA 15541.

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

Description of Proposed Action/Activity: The proposed construction of a waste water treatment facility serving a population of workers of estimated 140 utilizing a bathhouse in a coal mine facility.

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

WQM Permit No. 6215408, Sewage, **Christine Paul**, 167 Sumac Drive, Madison, MS 39110-9221.

This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 3715401, Sewage, **New Castle City Sanitary Authority Lawrence County**, 110 E. Washington St, New Castle, PA 16101-3815.

This proposed facility is located in New Castle City, **Lawrence County**.

Description of Proposed Action/Activity: Expansion of existing sanitary sewer authority's wastewater conveyance system to service Shenango Township.

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

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

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|--------|-------------------------|--|
| PAI023915023 | Carmelo Alicea, Jr. UGI Utilities, Inc. 2121 City Line Road Bethlehem, PA 18017 | Lehigh | Lower Macungie Township | Little Lehigh Creek (HQ-CWF, MF) |
| PAI023915022 | Louis Pektor, III Wrenfield Properties, LP 559 Main St., Suite 300 Bethlehem, PA 18018 | Lehigh | Upper Macungie Township | Iron Run (HQ-CWF, MF) Hassen Creek (HQ-CWF, MF) |

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

| <i>Permit No.</i> | <i>Applicant & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Stream Name</i> |
|-------------------|---|----------------------|----------------------------|------------------------------------|
| PAI056315009 | North Strabane Township Municipal Authority 1929B Route 519 South Canonsburg, PA 15317 | Washington County | North Strabane Township | Little Chartiers Creek (HQ-WWF) |

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

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------------------|--|---------------|-------------------------------------|---|
| PAI062515001 | PADOT Eng. District 1 255 Elm Street P. O. Box 398 Oil City, PA 16301 | Erie | Fairview and Millcreek Townships | Lake Erie & UNT Lake Erie CWF; MF |

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> |
|---|---------------|------------------------|--|------------------------|---|-------------------------|
| Reinford Farm's Inc. 505 Cedar Grove Rd. Mifflintown, PA 17059 | Juniata | 947.4 | 1,041.65 | Dairy | NA | New |
| Noah Kreider & Sons LLP— Donegal Larry Fetter 1104 Colebrook Rd Mount Joy, PA 17552 | Lancaster | 450 | 6,930 | Layers | HQ | R |

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 4515507MA, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
410 Mill Creek Road
East Stroudsburg, PA 18301

[Township or Borough] Stroud Township,
Monroe County

Responsible Official Kenneth R. Brown
410 Mill Creek Road
East Stroudsburg, PA 18301

Type of Facility PWS

Consulting Engineer Russell D. Scott IV, PE
RKR HESS
112 North Courtland Street
East Stroudsburg, PA 18301

Application Received Date 09/28/15

Description of Action Construction of 750,000 gallon water storage tank

Permit No. 4015512, Public Water Supply.

Applicant **Aqua PA, Inc.**
1 Aqua Way
White Haven, PA 18661

[Township or Borough] Jackson Township,
Luzerne County

Responsible Official Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(717) 541-0622

Permit to Construct Issued 10/05/2015

Description of Action Replacement of hydro pneumatic tank with new 4,500 gallon tank

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

Permit No. 6715510, Public Water Supply.

Applicant **The York Water Company**

Municipality Spring Garden Township

County **York**

Responsible Official Mark S. Snyder,
Engineering Manager
130 East Market Street
P. O. Box 15089
York, PA 17405-7089

Type of Facility Public Water Supply

Consulting Engineer Mark S. Snyder, P.E.
The York Water Company
130 East Market Street
P. O. Box 15089
York, PA 17405-7089

Application Received: 10/6/2015

Description of Action Installation of a new Lacke Redman intake, pumpstation and force main to enable water diversion while Lake Williams is drained and provide a back-up station to the Brillhart PumpStation.

Permit No. 5015507, Public Water Supply.

Applicant **Liverpool Municipal Authority**

Municipality Liverpool Borough

County **Perry**

Responsible Official Harvey W. Cook, President
P. O. Box 357
Liverpool, PA 17045

Type of Facility Public Water Supply

Consulting Engineer Erin N. Threet, P.E.
Herbert Rowland & Grubic, Inc.
130 Buffalo Road
Lewisburg, PA 17837

Application Received: 10/6/2015

Description of Action Installation of poly phosphate blend for Lead and Copper corrosion control.

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

Application No. 1715501—Construction Public Water Supply.

Applicant **Treasure Lake Water System**

Township/Borough Sandy Township

County **Clearfield**

Responsible Official Patrick R. Burke,
Director of Operations
Aqua Pennsylvania, Inc.
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility Public Water Supply

| | |
|-----------------------|--|
| Consulting Engineer | Peter J. Lusardi, P.E., B.C.E.E. GHD 1240 North Mountain Road Harrisburg, PA 17112 |
| Application Received | October 26, 2015 |
| Description of Action | Construction of new well house, permit use of new Bimini Well and Station (drilled in January 2014). |

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

| | |
|---|-------------------------------------|
| Permit No. 4215502 , Public Water Supply | |
| Applicant | Ludlow Community Association |
| Township or Borough | Hamilton Township |
| County | McKean |
| Responsible Official | James McCloskey |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N/A |
| Application Received Date | September 24, 2015 |
| Description of Action | 4-Log treatment of viruses. |

WATER ALLOCATIONS

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

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

WA54-845C, Water Allocation, **Mary D Community Association**, P. O. Box 115, Mary D, PA 17952, Schuylkill Township, **Schuylkill County**. The applicant is requesting the right to continue to withdraw up to a maximum of 50,000 gpd from Reservoirs 1 and 2 on Swift Creek, and the right to purchase up to 20,000 gpd, as a 30-day average, from the Municipal Authority of the Township of Blythe.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to

Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Vallorbs Jewel Company, 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, East Lampeter Township, **Lancaster County**. Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330, on behalf of Vallorbs Jewel Company and Steudler Real Estate II, both at 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with TCE. The site will be remediated to a combination of the Residential Statewide Health and Site Specific Standards. Future use of the site is commercial. The Notice of Intent to Remediate was published in the *LNP* on September 4, 2015

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

Damascus Tube, 795 Reynolds Industrial Park Road, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 and KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Marcegaglia-USA, Inc., 1001 East Waterfront Drive, Munhall, PA

15120 and Greenville-Reynolds Development Corporation, 301 Arlington Drive, Greenville, PA 16125, submitted a Notice of Intent to Remediate. Impacts to site soil and groundwater are likely associated with historical onsite and offsite industrial operations. Sample results indicate site soil and groundwater are contaminated with arsenic, chromium, lead, manganese, nickel, trichloroethene (TCE) tetrachloroethene (PCE), vinyl chloride, 1,1-dichloroethane, 1,1-dichloroethylene, cis-1,2-dichloroethylene, 1,1,1-trichloroethane, methylene chloride, cobalt, aluminum, antimony, cadmium, copper, zinc, benzo[a]-anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, bis[2-ethylhexyl]phthalate, chrysene, fluoranthene, indeno[1,2,3-cd]pyrene, pyrene, phenanthrene, Aroclor-1254, and Aroclor-1260. The intended future use of the property will be non-residential. A combination of the Site-Specific and Statewide Health Standards have been selected for remediation. The Notice of Intent to Remediate was published in *The Herald and The Record-Argus* on September 15, 2015.

CORRECTION: Vista Resources Pleasantville Release, Neiltown Road, Harmony Township, **Forest County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Vista Resources, Inc., 61 McMurray Road, Pittsburgh, PA 15241, submitted a Notice of Intent to Remediate. On January 2, 2015, and February 11, 2015, releases occurred that resulted in crude oil and brine impacting site soil, groundwater, and surface water. Anticipated future use of the property will be commercial. The Statewide Health Standard has been selected for remediation. The Notice of Intent to Remediate was published in *The Titusville Herald* on July 27, 2015.

Former Verizon Hermitage Garage/Work Center (GLC 58044), 2605 Freedland Road, City of Hermitage, **Mercer County**. Langan Engineering & Environmental Services, 601 Technology Drive, Suite 200, Canonsburg, PA 15317, on behalf of Verizon Pennsylvania, LLC, 966 South Matlack Street, West Chester, PA 19382, submitted a Notice of Intent to Remediate. Historical use of site was a maintenance dispatch facility and garage to service fleet vehicles resulted in site soil being contaminated with PAHs, manganese, and arsenic. Proposed future use of the property will be non-residential. The Statewide Health Standard has been selected for remediation. The Notice of Intent to Remediate was published in *The Sharon Herald* on October 9, 2015.

MUNICIPAL WASTE GENERAL PERMIT

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 Number WMGM028. Granger Energy of Morgantown, LLC, 16980 Wood Road, Lansing, MI 48906-1044.

General Permit Number WMGM028 is for the processing and beneficial use of landfill gas (LFG), generated at the Conestoga Landfill located in Caernarvon Township, **Berks County**, as an alternate fuel for the power

generators installed at this landfill. The electricity produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on October 20, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM028" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) received for Determination of Applicability 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 a Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Bureau of Waste Management, Environmental Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR101SW003. Kipin Industries, Inc., 4194 Green Garden Road, Aliquippa, PA 15001, Harrison Township, **Allegheny County**. Determination of Applicability submitted for the operation and beneficial use of a processing facility for steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material, received in the Regional Office on October 15, 2015 and deemed administratively complete on October 22, 2015.

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

General Permit Application No. WMGR096SE006. Clean Earth Dredging Technologies, LLC, 269 Canal Road, Fairless Hills, PA 19030-4305. This application for determination of applicability (DOA) under General Permit No. (WMGR096) is for the beneficial use of regulated fill material as a capping material at the Canal Road Act 2 Site, located at 269 Canal Road, Fairless Hills, PA, in Falls Township, **Bucks County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on October 21, 2015.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the De-

partment, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

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

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

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

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

TVOP-65-00767: (111 Conner Ln, Belle Vernon, PA 15012) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit to Westmoreland Sanitary Landfill, LLC for their facility located in Rostraver Township, **Westmoreland County**.

Sanitary Landfill, a municipal solid waste landfill has been in operation since 1960s. Sources and the control devices at this facility include Landfill Gas, Paved and Unpaved Roads, Landfill Construction/Operation, Soil Processing, Overburden Blasting, Paint Spraying, Odor Neutralizer, Diesel Air Compressor, Rock Crusher (operated by outside contractor), LFG Flare #1 (Enclosed Flare), LFG Back-up Candle/Utility Flare and Water Spray.

This facility has the emissions of the following type and quantity of air contaminants (on an annual basis as reported for 2014): 58.36 tons of carbon monoxide, 14.71 tons of nitrogen oxides, 32.35 tons of particulate matter, 2.84 tons of sulfur oxides, 14.58 tons of NMOC, 4.70 tons of volatile organic compounds and 3.11 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Part 60, 40 CFR Part 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; e-mail to nnaharr@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TVOP-65-00767) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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

For additional information you may contact Noor Nahar at 412.442.5225.

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

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

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

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

15-00058: Martin Limestone, Inc., (199 Quarry Road, Honey Brook, PA 19344) for operation of a limestone crushing plant, located in Honey Brook Township, **Chester County**. The major sources of air pollutant emissions include a primary, a secondary and two tertiary crushers, their associated triple-deck screens and conveyers powered by electricity. The operation of this plant will result in Particulate Matter (PM) being emitted into the atmosphere. It is a non-Title V (State Only), Natural Minor facility. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

40-00126: Hazleton Hiller, LLC. (414 Stockton Mountain Road, Hazleton, PA 18201-0435) The Department intends to issue a State-Only Operating Permit for the operation of an anthracite mining facility in Hazle Township, **Luzerne County**. The sources consist of one (1) thermal dryer, one (1) set of belt conveyors, one (1) crusher, one (1) set of bucket elevators, one (1) screen, one (1) auger conveyor, and four (4) silos. The emissions are controlled by a baghouse and fugitive dust collector. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

48-00102: BioSpectra, Inc. (100 Majestic Way, Bangor, PA 18013-2860) for the operation of a medicinal and botanical manufacturing facility in Washington Township, **Northampton County**. The sources consist of a blender and jet mill. The particulate emissions from the sources are controlled by a dust collector. This is a new State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

55-00011: National Limestone Quarry, Inc. (PO Box 397, Middleburg, PA 17842) for their limestone crushing facility located in Perry Township, **Snyder County**. The facility is currently operating under the State Only operating permit 55-00011. The facility's main sources include a crushers, screens, conveyors and site haul roads.

The facility has potential emissions of 15.92 tons per year of particulate matter. No emission or equipment changes are being proposed by this action at the site. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all

applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

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

08-00043: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) to issue a State Only Operating Permit for their Greens Landing facility located in Athens Township, **Bradford County**. The facility's main sources include a 600 ton per hour sand and gravel wash plant and a 450 ton per hour hot mix asphalt plant. The facility has the potential to emit 78.43 tons per year of carbon monoxide, 62.09 tons per year of carbon monoxide, 66.72 tons per year of particulate matter less than 10 microns in diameter, 85.95 tons per year of sulfur oxides, 17.38 tons per year of volatile organic compounds and 4.35 tons per year of hazardous air pollutants. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60 Subpart OOO Sections 60.670—60.676 and 40 CFR Part 60 Subpart I Sections 60.90—60.93. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

03-00197: Nature's Blend Wood Product, Inc./Ford City Plant (717 First Avenue, Ford City, PA 16226) State Only Operating Permit is for the manufacturing of wood furniture components located in Ford City Borough, **Armstrong County**. The operation of the facility's air contamination source consisting of miscellaneous natural gas usages, surface coating operations, and wood working operation. The facility is limited 49.17 tpy VOC, 2 tpy NO_x, 1.7 tpy CO, 19 tpy PM and 4.14 tpy HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

65-00661: Derry Construction Co., Inc./Delmont Asphalt Plant (527 Route 217, Latrobe, PA 15650) for the operation of a hot mix batch asphalt facility located in Salem Township, **Delmont County**. The subject facility consists of one hot mix batch asphalt plants rated at 400 tons per hour. The batch plant is limited to 495,000 tons production in any consecutive 12-month period. The facility has the potential to emit: 33 tpy CO; 14 tpy NO_x; 12 tpy SO_x; 8 tpy VOC; 4 tpy PM and 2.5 tpy HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions,

testing, monitoring, recordkeeping, reporting and work practice standards requirements.

04-00226: Hanson Aggregates BMC, Inc./Sewickley Creek Asphalt Plant (1008 Big Sewickley Creek Road, Sewickley, PA 15143) for the operation of a hot mix batch asphalt facility located in Economy Borough, **Beaver County**. The subject facility consists of one hot mix batch asphalt plants rated at 300 tons per hour. The batch plant is limited to 500,000 tons production in any consecutive 12-month period. The facility is not to exceed the following limits: 100 tpy CO; 100 tpy NO_x; 100 tpy SO_x; 50 tpy VOC; 100 tpy PM and 25 tpy combined HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

37-00332: Amerikohl Aggregates, Inc.—McMillin Mine (1384 State Route 711, Stahlstown, PA 15687) for a Natural Minor Permit to operate a limestone aggregates processing facility located in Wayne Township, **Lawrence County**. The primary sources of emissions at the facility are the diesel engines and Mineral Processing Plant.

Construction of this facility was initially authorized by Plan Approval Number: 37-00332A which was issued on April 5, 2012. That plan approval was replaced by Plan Approval Number 37-332B on June 11, 2013. The conditions from that plan approval have been incorporated into the Natural Minor Operating Permit.

Additional equipment was installed under a series of six (6) General Plan Approvals issued between November 27, 2013 and March 3, 2015. These included three GP-3s to add equipment to the Portable Nonmetallic Mineral Processing Plant and three GP-11s for the Nonroad Engines needed to power the equipment. The requirements from those general permits have been incorporated into the operating permit.

The Portable Nonmetallic Mineral Processing Plant at this facility is subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

The potential emissions from this facility are as follows. (All values are in tons/year.) PM = 20.0, PM₁₀ = 10.4, SO_x = 17.8, NO_x = 74.8, VOC = 22.0, CO = 58.2, CO_{2e} = 30,062.9, and Total HAPs = 0.4.

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

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

Permit No. 56150102 and NPDES Permit No. PA0269492, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 234.0 acres. Receiving streams: Schrock Run and Unnamed Tributary #2 to Glades Creek classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 16, 2015.

Permit No. 56110104 and NPDES No. PA0263206. Wilson Creek Energy, LLC, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & Auger mine to change the land use from woodland to pastureland in Jenner Township, **Somerset County**, affecting 132.5 acres. Receiving streams: unnamed tributaries to/and Hoffman run classified for the following uses: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority, Quemahoning Reservoir. Application received: October 19, 2015.

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

61970102. Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127). Renewal of an existing bituminous

strip and auger mine in Irwin Township, **Venango County** affecting 54.5 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Scrubgrass Creek and unnamed tributary to Wolf Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 15, 2015.

1192-33140106-E-1. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment for mining and support no closer than 25 feet of unnamed tributaries 3 and 5 to Rattlesnake Run. Receiving streams: Rattlesnake Run and unnamed tributaries to Rattlesnake Run; unnamed tributaries to Wolf Run; and Harveys Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Falls Creek Borough. Application received: October 15, 2015.

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

02090201 and NPDES Permit No. PA0251909. Coal Valley Sales, LLC (111 Freeport Road, Pittsburgh, PA 15215). Renewal application for continued mining to an existing bituminous surface mine, located in West Deer and Indiana Townships, **Allegheny County**, affecting 260.6 acres. Receiving stream: unnamed tributary to Little Deer Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Oakmont Water Authority. Renewal application received: October 22, 2015.

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

Permit No. 54803203R5 & NPDES Permit No. PA0123862. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County** affecting 76.0 acres, receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: October 9, 2015.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

Permit No. 36900302C10 and NPDES Permit No. PA0594784. H & K Group, Inc., (PO Box 196, Skippack, PA 19474), correction to an existing quarry operation and NPDES Permit for discharge of treated mine drainage to add a discharge point in Fulton Township, **Lancaster County** affecting 74.69 acres, receiving stream: unnamed tributary to Octoraro Creek, classified for the following use: trout stock fishes. Application received: October 5, 2015.

Permit No. 6174SM5C11 and NPDES Permit No. PA0594423. Meckley's Limestone Products, Inc., (1543 State Route 225, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy Township, **Northumberland County** affecting 153.3 acres, receiving stream: Upper Fidler Run, classified for the following use: warm water fishes. Application received: October 5, 2015.

Permit No. 40930301C3 and NPDES Permit No. PA0224472. Meckley's Limestone Products, Inc., (1543 State Route 225, Herndon, PA 17830), renewal of NPDES Permit for discharge of a treated mine drainage from a quarry operation in Hazle Township, **Luzerne County** affecting 113.5 acres, receiving streams: Hazle Creek and Big Black Creek, classified for the following uses: Hazle Creek: HQ—cold water fishes and migratory fishes; Big Black Creek: cold water fishes and migratory fishes. Application received: October 5, 2015.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0003465 (Permit No. 33813020). Leonard W. Yenzi (P. O. Box 62, Anita, PA 15711) Renewal of an existing NPDES permit for a bituminous surface mine in Winslow Township, **Jefferson County**, affecting 285.2 acres. Receiving streams: Unnamed tributaries to Front Run and unnamed tributaries to Trout Run, classified for the following uses: CWF. TMDL: None. Application received: September 9, 2015.

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

The outfall(s) listed below discharge to unnamed tributaries to Front Run and unnamed tributaries to Trout Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| TFC | N |
| TFD2 | N |
| TFF | N |
| TFG | 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 ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | 3 | 6 | 7 |
| Manganese (mg/l) | | 2 | 4 | 5 |
| Aluminum (mg/l) | | 2 | 4 | 5 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

¹The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Front Run and unnamed tributaries to Trout Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| SPA | N |
| SPB | N |
| SPC | N |
| SPD1 | N |
| SPD2 | N |
| SPE | N |
| SPF | N |
| SPG | N |
| SPJ | 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 ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | | | 7.0 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Settleable Solids (ml/l) | | | | 0.5 |

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

NPDES No. PA 0611719. (Permit No. 14820103), Rosebud Mining Company of 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for surface mining permit and augering in Rush Township, **Centre County**, affecting 379.7 acres. Receiving stream(s): Trout Run and Moshannon Creek classified for the following use(s): CWF. Moshannon Creek TMDL. Application received: August 25, 2015.

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

The outfall(s) listed below discharge to Unnamed Tributary to Moshannon Creek.

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| 019 | 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 ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | | 0.75 | 0.75 | 0.75 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Suspended Solids (mg/l) | | 35.0 | 70.0 | 90.0 |

Noncoal NPDES Draft Permits

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

NPDES No. PA0257974 (Permit No. 24050301). North Star Aggregates, Inc. (P. O. Box 51, Penfield, PA 15849) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Horton Township, **Elk County**, affecting 130.0 acres. Receiving streams: Unnamed tributaries to Oyster Run and Johnson Run, classified for the following uses: CWF. TMDL: Little Toby Creek. Application received: September 14, 2015.

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

The outfall(s) listed below discharge to unnamed tributary to Oyster Run and Johnson Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| TP1 | N |
| TP2 | 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 ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | 3 | 6 | 7 |
| Manganese (mg/l) | | 2 | 4 | 5 |
| Aluminum (mg/l) | | 0.75 | 0.75 | 0.75 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

¹The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Oyster Run and Johnson Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| SP1 | N |
| SP2 | N |
| SP3 | 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 ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | | | 7.0 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Settleable Solids (ml/l) | | | | 0.5 |

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

NPDES Permit No. PA0224936 on Surface Mining Permit No. 6575SM2. Eureka Stone Quarry, Inc., (PO Box 249, Chalfont, PA 18914), new non-discharging NPDES Permit for a sand & gravel quarry operation in Hamilton Township, **Monroe County**, affecting 118.6 acres. Receiving stream: tributary to McMichael Creek, classified for the following use: HQ—migratory fishes. Application received: March 8, 2011.

Non-discharge BMP's shall be in effect.

NPDES No. PA0225282 on Surface Mining No. 7873SM1A1C7. Penn Big Bed Slate Co., Inc. (PO Box 184, Slatington, PA 18080) new application of NPDES Permit for a slate quarry in Washington Township, **Lehigh County**, affecting 50.07 acres. Receiving Stream: unnamed tributary to Trout Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: March 32, 2012.

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

The outfall listed below discharge to unnamed tributary to Trout Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|--------------------------|
| 001 | Yes | outfall discharge (O.D.) |

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of

this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E39-537. Upper Macungie Township, 8330 Schantz Rd., Breinigsville, PA 18031, in Upper Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove four existing pipe culverts and construct and maintain a 125-foot wide roadway crossing in the floodway of an unnamed tributary to Cedar Creek (HQ-CWF, MF) consisting of a concrete box culvert with a span of 24 feet and an underclearance of 3 feet associated with the Laurel Fields Subdivision in Upper Macungie Township, Lehigh County.

The project is located on Werley Road, approximately 500 feet southeast of its intersection with Dale Trail.

(Allentown West, PA Quadrangle, Latitude: 40°34'57.5"; Longitude: -75°33'50.2").

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

E65-672, MV Affordable Housing LLC, 9349 Waterstone Boulevard, Cincinnati, OH 45249, North Strabane Township, **Washington County**, ACOE Pittsburgh District.

The applicant is proposing to:

1. Remove an existing 20' long, 14" diameter CMP culvert in an unnamed tributary (UNT) to Chartiers Creek (WWF) (aka Stream 001) and to construct and maintain a replacement 60" diameter x 45' long CMP culvert, which will also impact a de minimus amount (0.007 ac) of PEM/PSS wetland (aka Wetland 001);

2. Construct and maintain an 8" DIP sanitary utility line crossing within an approximately 30' right-of-way, and a temporary road crossing, across another UNT to Chartiers Creek (aka Stream 002);

3. Place and maintain fill within 115 linear feet of another UNT (aka Stream 003), along with a stormwater utility line crossing;

4. Place and maintain fill within a de minimus amount (0.002 ac) of PEM wetland (aka Wetland 002);

For the purpose of constructing an affordable housing development, consisting of two (2) apartment buildings with associated parking lots, garages, a community clubhouse, greenspace and utilities. The project is located at the terminus of Burkett Lane (Washington East, PA USGS topographic quadrangle; Latitude: 40° 12' 40.31"; Longitude: -80° 11' 27.24"; Sub-basin: 20F; Pittsburgh Corps District), in North Strabane Township and South Strabane Township, Washington County.

Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, 570-826-2371.

E-4011-005: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office. South Newport Center Project in Newport Township, **Luzerne County**, ACOE Baltimore District, Nanticoke, PA Quadrangle N: GPS location 41.179756, -76.030375.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation.

The Commonwealth of Pennsylvania is proposing approximately 10-acre Abandoned Mine Lands (AML) reclamation project in Newport Township, Luzerne County. The reclamation project will eliminate abandoned coal stripping pits containing 850 feet of high-priority dangerous highwall that endangers human health, safety and general welfare.

The project will consist of backfilling a series of strip pits which contains waterbodies using mine spoil and coal refuse materials obtained on-site. If possible, the site topography will be re-contoured to more closely approach the original configuration prior to mining.

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

E5929-050 (amended): Southwestern Energy Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, Liberty and Hamilton Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a coffer dam obstructing 2/3 of the river at a time, and a 10-inch diameter waterline, impacting 2,444 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 60 linear feet of the Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'33"N, 77°02'54"W);

2) A 10-inch diameter waterline impacting 44 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'27"N, 77°03'05"W);

3) A temporary road crossing using timber mats and a 10-inch diameter waterline impacting 25 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N, 77°03'22"W);

4) A 10-inch diameter waterline impacting 16 linear feet of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'45"N, 77°03'47"W);

5) A temporary road crossing using timber mats and a 10-inch diameter waterline impacting 25 linear feet of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'43"N, 77°03'48"W);

6) A 14-inch diameter HDPE waterline impacting 28 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°38'13"N, 77°04'13"W);

7) A 14-inch diameter HDPE waterline impacting 20 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°38'04"N, 77°04'17"W);

8) A 14-inch diameter HDPE waterline impacting 15 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'59"N, 77°04'15"W);

9) A 14-inch diameter HDPE waterline impacting 18 linear feet of Long Run (CWF) (Blossburg, PA Quadrangle 41°37'57"N, 77°04'16"W);

10) A 14-inch diameter HDPE waterline impacting 11 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'54"N, 77°04'19"W);

11) A 14-inch diameter HDPE waterline impacting 24 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'52"N, 77°04'26"W);

12) A 12-inch diameter HDPE waterline impacting 43 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'50"N, 77°04'30"W);

13) A 12-inch diameter HDPE waterline impacting 21 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'50"N, 77°04'34"W);

14) A 12-inch diameter HDPE waterline impacting 16 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'49"N, 77°04'39"W);

15) A 12-inch diameter HDPE waterline impacting 16 linear feet of an unnamed tributary to Bellman Run (CWF) (Liberty, PA Quadrangle 41°37'29"N, 77°05'06"W);

16) A 12-inch diameter HDPE waterline impacting 19 linear feet of an unnamed tributary to Bellman Run (CWF) (Liberty, PA Quadrangle 41°37'24"N, 77°05'08"W);

17) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 25 linear feet of an unnamed tributary to Bellman Run (CWF) (Liberty, PA Quadrangle 41°37'12"N, 77°05'25"W);

18) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 30 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41°36'58"N, 77°05'25"W);

19) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 183 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'54"N, 77°05'25"W);

20) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 30 linear feet of an unnamed tributary to Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'44"N, 77°05'59"W);

21) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 1,664 square feet of an exceptional value palustrine emergent and forested (EV-PFO/PEM) wetland (Liberty, PA Quadrangle 41°36'44"N, 77°06'00"W);

22) A 12-inch diameter HDPE waterline impacting 183 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°36'27"N, 77°05'59"W);

23) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 1,664 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'21"N, 77°06'00"W);

24) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 4,822 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 25 linear feet of an unnamed tributary of Blacks Creek (CWF), and 25 linear feet of an unnamed tributary of Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'05"N, 77°06'16"W);

25) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 2,470 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'08"N, 77°06'16"W);

26) A temporary timber mat and a 12-inch diameter HDPE waterline impacting 25 linear feet of an unnamed tributary of Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'09"N, 77°06'17"W);

27) A temporary timber mat and 1,307 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'35"N, 77°04'06"W);

28) A temporary timber mat and 1,307 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'28"N, 77°04'05"W);

29) A temporary timber mat and 1,743 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'21"N, 77°04'06"W);

30) A temporary timber mat and 1,307 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'15"N, 77°03'44"W);

31) A 12-inch diameter waterline impacting 840 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'33"N, 77°02'53"W);

32) An intake structure 6' in length and 2' in diameter installed below existing grade impacting 55 linear feet of the Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'33"N, 77°02'53"W);

The project will result in 561 linear feet of temporary stream impacts and 16,114 square feet (0.37 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

ENVIRONMENTAL ASSESSMENT

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

EA19-003. Camp Victory, 58 Camp Victory Road, Millville, PA 18746. Unnamed tributary to Mud Run/Pond/Wetland Restoration Project, in Greenwood Township, **Columbia County**. ACOE Baltimore District.

This project proposes to remove an on stream pond, restore natural stream channel and fringe wetlands and restore storage capacity of downstream existing pond. The project consists of dewatering the upper pond to facilitate stream channel restoration though the impounded area. The next proposed phase is to remove sediment in the lower existing pond to its original depth and capacity which will reduce the thermal impacts improving the habitat potential for aquatic life and increasing the recreational use by Camp Victory. The sediment removed is proposed to be placed in dewatering bags, mixed with an ecological friendly polymer and oriented strategically to create in some cases stream meander pattern and changes in the floodplain contour to create pocket wetlands. The final phase is to complete final planting of wetland perennials and seeding. Upon completion this project proposes to reduce 2.21 acres of open water pond and create approximately 1,200 linear feet of stream channel, 1.93 acre of emergent wetland habitat, 0.33 acre of scrub/shrub habitat, and to retain 0.93 acre of open water habitat. This project proposes in the Mud Run Watershed, which is classified as a Cold Water Fishery.

(Bloomsburg, PA Quadrangle Latitude: 41°07'05"; Longitude: 76°29'38.2").

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

EA24-051, USDA Forest Service—Allegheny National Forest, 4 Farm Colony Drive, Warren, PA 16365. East Branch Spring Creek Large Wood Restoration Project, in Highland Township, **Elk County**, ACOE Pittsburgh District (Russell City, PA Quadrangle N: 41°, 33', 44"; W: 78°, 56', 34").

To install 15 large wood structures in and along East Branch Spring Creek for the purpose of stream bank stabilization and habitat improvement. Habitat will be further improved by excavating small pools in the streambed adjacent to 5 of these structures and by adding large woody materials to the floodplain of East Branch Spring Creek and the floodplain of one unnamed tributary thereto. This project is being reviewed as a restoration plan to be eligible for waiver of permit requirements under 105.12(a)(16).

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

D50-068. Mr. Thomas G. Close, 96 Piscataway State Road, Shermans Dale, PA 17090. To modify, operate, and maintain Hart Dam across Laurel Run, EV for the purpose of reducing the dam's hazard classification (Spruce Hill,

PA Quadrangle Latitude: 40° 24' 23" N; Longitude: -47° 29' 55" W) in Northeast Madison Township, **Perry County**.

Connoquenessing Country Club, 1512 Mercer Road, Ellwood City, PA 16117-5024. Connoquenessing Country Club is proposing to construct two jurisdictional dams.

D40-070. Connoquenessing Country Club Forebay Dam. To construct, operate, and maintain Connoquenessing Country Club Forebay Dam across a tributary to Connoquenessing Creek (WWF) for the purpose of providing sedimentation control. The forebay dam will be constructed upstream of an existing pond and will prevent sediment from entering the existing pond. The proposed forebay dam will impact 125 linear feet of stream channel. (Beaver Falls, PA Quadrangle Latitude: 40.833, Longitude: -80.268) North Sewickley Township, **Beaver County**.

D04-071. Connoquenessing Country Club Weir Dam. To construct, operate, and maintain Connoquenessing Country Club Weir Dam across a tributary to Connoquenessing Creek (WWF) for the purpose of recreation/sedimentation control. A concrete weir, which was previously damaged, will be replaced across the stream channel. The proposed weir dam will impact 190 linear feet of stream channel. (Beaver Falls, PA Quadrangle Latitude: 40.834, Longitude: -80.269) North Sewickley Township, **Beaver 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|--|----------------------------|
| PA0032433 (Sewage) | Frances Slocum State Park Francis Slocum State Park 565 Mount Olivet Road Wyoming, PA 18644 | Luzerne County Kingston Township | Abrahams Creek (5-B) | Y |
| PA0060470 (Sewage) | Marworth Rehab Center STP PO Box 36 Lily Lake Road Waverly, PA 18471-7736 | Lackawanna County North Abington Township | Lily Lake (on Unnamed Tributary to Ackerly Creek) (4-F) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--|---|----------------------------|
| PA0260495— CAFO | Steven Hershey Farm CAFO 2024 Donegal Springs Road Mount Joy, PA 17552-8906 | Lancaster County/ East Donegal Township | UNT Donegal Creek/ Donegal Creek/7-G | Y |
| PA0020818— SEW | Glen Rock Sewer Authority PO Box 205 Glen Rock, PA 17327 | York County/ Glen Rock Borough | South Branch Codorus Creek/7-H | Y |
| PA0054852— IW | WBLF Acquisitions Co., LLC— Western Berks Community Landfill & Recycling Center—Birdsboro 455 Poplar Neck Road Birdsboro, PA 19508-8300 | Berks County/ Cumru Township | Schuylkill River/3-C | Y |
| PA0081591— SEW | Eastern York County Sewer Authority 46 Walnut Springs Road Hellam, PA 17406 | York County/ Hallam Borough | Kreutz Creek/7-I | Y |
| PA0260479— IW | Coaldale Six Mile Run PO Box 152 Six Mile Run, PA 16679 | Bedford County/ Broad Top Township | UNT Six Mile Run/11-D | Y |
| PA0024961— SEW | Oley Township Municipal Authority PO Box 19 One Rose Virginia Road Oley, PA 19547 | Berks County/ Oley Township | Manatawny Creek/3-D | Y |
| PA0261424— SEW | Fannie Beiler 8512 Newburg Road Newburg, PA 17240 | Franklin County/ Lurgan Township | Clippingers Run/7-B | Y |
| PA0043257— SEW | New Freedom Borough Authority 49 East High Street New Freedom, PA 17349 | York County/ New Freedom Borough | South Branch Codorus Creek/7-H | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---|--|----------------------------|
| PA0229121 (CAFO) | Don Cotner Farms 127 Rushtown Road Danville, PA 17821 | Northumberland County Rush Township | UNT to Logan Run (5-E) | N |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|--------------------------------------|--|----------------------------|
| PA0210081 (Sewage) | John J. Stino SFTF 16675 Stuart Road Corry, PA 16407-8712 | Erie County Wayne Township | Unnamed Tributary to Hubbel Run (16-A) | Y |

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

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

NPDES Permit No. PA0057819, Sewage, **New Hanover Township Authority**, 2990 Fagleysville Road, Gilbertsville, PA 19525.

This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Approval for the renewal of NPDES permit to discharge from facility known as New Hanover Township Authority STP to Swamp Creek in Watershed(s) 3-E.

NPDES Permit No. PA0024066, Sewage, **West Grove Borough Authority**, P. O. Box 61, 117 Rosehill Avenue, West Grove, PA 19390-0061.

This proposed facility is located in West Grove Borough, **Chester County**.

Description of Action/Activity: Approval for the renewal of NPDES permit for an existing discharge of 0.250 mgd of treated sewage from West Grove Borough STP to Middle Branch White Clay Creek in Watershed(s) 3-I.

NPDES Permit No. PA0053899, Sewage, Amendment-1, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067.

This proposed facility is located in Fall Township, **Bucks County**.

Description of Action/Activity: Department initiated permit amendment to revise Part C condition.

NPDES Permit No. PA0056502, Industrial, **JERC Partners XIII, L.P.**, 171 State Route 173 Suite 201, Asbury, NJ 08802-1365.

This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Action/Activity: Approval for the renewal of NPDES permit to continue discharge of treated stormwater from the Former Island Green Country Club.

NPDES Permit No. PA0039004, Sewage, Amendment-1, **Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

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

Description of Action/Activity: This amendment is for name change from Upper Gwynedd Township Municipal Authority to Towamencin Municipal Authority.

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

NPDES Permit No. PA0060518, Sewage, SIC Code 4952, **Hallstead—Great Bend Joint Sewer Authority**, P. O. Box 747, Great Bend, PA 18821.

This existing facility is located in Great Bend Borough, **Susquehanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

NPDES Permit No. PA0012475, IW, SIC Code 4911, **NRG REMA LLC**, 121 Champion Way Suite 200, Canonsburg, PA 15317-5817.

This existing facility is located in Upper Mount Bethel Township, **Northampton County**.

Description of Existing Action/Activity: Renewal of an NPDES Permit for an existing discharge of Industrial Waste, stormwater and treated sewage.

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

NPDES Permit No. PA0266132, Sewage, **Jenny D. Clark**, 476 Madison Street, Boyertown, PA 19512.

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

Description of Proposed Action/Activity: Authorization to discharge to UNT Middle Creek in Watershed 3-E.

NPDES Permit No. PA0266060, CAFO, **Timothy Wentzel, Quint T Egg Farm**, 3819 Powells Valley Road, Halifax, PA 17032.

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

Description of Proposed Action/Activity: Authorization to operate a 439 AEU CAFO in Watershed 6-C.

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

NPDES Permit No. PA0223069, Sewage, **Coolspring Jackson Lake Latonka Joint Authority**, 644A Franklin Road, Mercer, PA 16137, Coolspring Township, **Mercer County**.

The following notice reflects changes to the notice published at 45 Pa.B. 5509 (September 5, 2015):

The following parameter was added to the Final NPDES Permit:

| Parameter | Effluent Limitations | | | | | | Monitoring Requirements | |
|------------------|----------------------|----------------|---------|-----------------------|----------------|------------------|-------------------------------|----------------------|
| | Mass Units (lbs/day) | | | Concentrations (mg/L) | | | Minimum Measurement Frequency | Required Sample Type |
| | Average Monthly | Weekly Average | Minimum | Average Monthly | Weekly Average | Instant. Maximum | | |
| Dissolved Oxygen | XXX | XXX | 4.0 | XXX | XXX | XXX | 1/day | Grab |

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. 4688476, Sewage, **Airport Road Associates**, 700 West Germantown Pike, East Norriton, PA 19403.

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

Description of Action/Activity: Permit transferred WQM Permit II permit for the operation of a 200 gpd single residence extended aeration treatment plant with spray irrigation. Permit transfer from Gambone Brothers to Airport Road Associates.

WQM Permit No.0915404, Sewage, **Mr. Nathan and Ms. Jessica Skelton**, 313 Thousand Acre Road, Sellersville, PA 18960-1037.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a single residence sewage treatment plant up to 400 gpd.

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

WQM Permit No. 0615404, Sewerage, **Jenny D. Clark**, 476 Madison Street, Boyertown, PA 19512.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence.

WQM Permit No. WQG01281501, Sewerage, **Samuel Lantz**, 9031 Ottrebein Church Road, Newburg, PA 17240.

This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence.

WQM Permit No. 0609401 A1, Sewerage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530-9697.

This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the rerating of the IPS Pumping Station.

WQM Permit No. 0609403 A1, Sewerage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530-9697.

This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the rerating of the Koffee Pumping Station.

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

WQM Permit No. 4173201, Industrial Waste, SIC Code 2800, **Lonza Inc.**, 3500 Trenton Avenue, Williamsport, PA 17701.

This existing facility is located in Williamsport City, **Lycoming County**.

Description of Proposed Action/Activity: The permittee has been approved for an amendment to the above mentioned WQM permit for the rehabilitation of 2 existing residual wastewater impoundments at their facility in Williamsport, PA. Both impoundments will be equipped with a 60 mil HDPE dual liner system and leak detection zone. A groundwater monitoring plan will be utilized to insure that the impoundments are not leaking.

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

WQM Permit No. 6312404, SIC Code, **Mon Valley Sewage Authority**, 20 South Washington Avenue, Donora, PA 15033.

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

Description of Proposed Action/Activity: Primary treatment Facility for CSO Outfall 007.

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

WQM Permit No. 2515410, Sewage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506.

This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: Construction of a pump station, force main, and gravity sewers.

WQM Permit No. WQG02241501, SIC Code 4952, **Fox Township Sewer Authority**, 116 Irishtown Road, Kersey, PA 15846-2608.

This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: Sewer extension to serve manufacturing facility.

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-------------------------|----------------------------|
| PAG133701 | North Annville Township 1020 North Route 934 Annville, PA 17003 | Lebanon | North Annville Township | Swatara Creek/CWF |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------|---|
| PAI011515020 | Christine McGinn 1230 Stackhouse Mill Road Newton, PA 19073 | Chester | West Nantmeal Township | Unnamed Tributary to East Branch Brandywine Creek |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---|----------------------------|
| PAI023914030 | The Fields at Indian Creek, LLC c/o Mr. Richard Koze 5930 Hamilton Boulevard Wescosville, PA 18106 | Lehigh | Upper Milford Township, Lower Macungie Township, and Emmaus Borough | Leibert Creek (HQ-CWF, MF) |
| PAI026415003 | Lake Ariel DPP XI, LLC 9010 Overlook Boulevard Brentwood, TN 37027 | Wayne County | Lake Township | Ariel Creek (HQ-CWF, MF) |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574

Northumberland County Conservation District: RR 3, Box 238-C, Sunbury, PA 17801, (570) 286-7114, X 4

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|----------------|---------------------|--|
| PAI02004915001 | PA DCNR Bureau of Forest Forest District 18 P O Box 315 Aristes, PA 17920 | Northumberland | Mt. Carmel Township | S Branch Roaring Creek HQ-CWF N Branch Shamokin Creek CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|-------------------------------------|----------------|---|--|
| PAI051115001 | Westmont Hilltop School District | Cambria County | Westmont Hilltop School District 827 Diamond Boulevard, Johnstown, PA 15905 | Mill Creek (HQ-CWF); Stonycreek River (WWF) |

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

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

List of NPDES and/or Other General Permit Types

| | |
|-------------|---|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges from Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | General Permit for Discharges from Aquatic Animal Production Facilities |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges from the Application of Pesticides |

General Permit Type—PAG-02

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

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|---|
| Bensalem Township Buck County | PAG02000915013 | Sal-Ben Realty, LP 3901 Old Street Road Bensalem, PA 19020 | Poquessing Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Bensalem Township Bucks County | PAG02000915015 | Mar Mar Builders 400 Crossing Drive Bristol, PA 19007 | Unnamed Tributary to Poquessing Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| New Britain Borough Bucks County | PAG02000914080 | Mary Biagioli 30 Sandy Ridge Road New Britain, PA 18901 | Cooks Run WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Providence Township Montgomery County | PAG02004614012(3) | Michael Nolen-Nolen Investors 4, Inc. Providence Corporate Center LP 100 Springhouse Drive, Suite 105 Collegeville, PA 19426 | Doe Run TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| East Marlborough Township Chester County | PAG02001515039 | Jane R. Laslo, Township Manager East Marlborough Township 721 Unionville Road Kennett Square, PA 19348 | Unnamed Tributary to West Branch Red Clay Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| West Fallowfield Township Chester County | PAG02001515040 | Conrad D. King Kings Family Farms, LLC 2504 Bailey Crossroads Atglen, PA 19310 | Unnamed Tributaries to East Branch Octoraro Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

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

*Facility Location:
Municipality &
County*

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|---|---|---|
| Dallas Township Luzerne County | PAG02004015004 Pennsylvania Game Commission c/o James Mercer 2001 Elmerton Avenue Harrisburg, PA 17110 | UNT to Huntsville Creek (CWF, MF) | Luzerne Conservation District 570-674-7991 |
| Tunkhannock Township Wyoming County | PAG02006615003 Deer Park Lumber, Inc. 3042 SR 6 Tunkhannock, PA 18657 | Tunkhannock Creek (TSF, MF) | Wyoming County Conservation District 570-836-2589 |

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

*Facility Location:
Municipality &
County*

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|---|---|---|
| North Middleton Township Cumberland County | PAG02002115032 Issued Carlisle Area School District 623 West Penn Street Carlisle, PA 17013 | Conodoguinet Creek/WWF-MF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359 |
| Letterkenny Township Franklin County | PAG02002815028 Issued Dept. of Army One Overcash Avenue Building 14 Chambersburg, PA 17201 | UNT to Muddy Run/WWF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 |
| Borough of Waynesboro Franklin County | PAG02002815031 Issued WASD 210 Clayton Avenue Waynesboro, PA 17268 | UNT to East Branch of Antietam/ CWF, MF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 |
| Borough of Waynesboro Franklin County | PAG02002815029 Issued Cumberland Valley Analytical Ralph Ward 14515 Industry Drive Hagerstown, MD 21740 | East Branch of Antietam/CWF, MF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 |
| Borough of Waynesboro Franklin County | PAG02002815030 Issued Armory Estates Craig McCleaf Marsh Run Properties 625 North Grant Street Waynesboro, PA 17268 | West Branch of Antietam Creek/ CWF, MF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 |
| Millcreek Township Lebanon County | PAG02003815025 Issued Alvin L. Stoltzfus 117 Richland Road Myerstown, PA 17067 | UNT to Tulpehocken Creek/TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 |
| North Lebanon Township Lebanon County | PAG02003815023 Issued Jack Keener 519 North Second Avenue Lebanon, PA 17046 | Quittapahilla Creek/TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 |
| City of York and Springettsbury Township York County | PAG02006715050 Issued City of York 101 South George Street York, PA 17401 | Codorus Creek/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430 |
| Manchester Township York County | PAG02006715068 Issued Columbia Gas of PA 1600 Colony Road York, PA 17408 | UNT to Codorus Creek/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|----------------------------|--|--|---|
| Jackson Township York County | PAG02006714052-1 Issued | H & H General Excavating Company 660 Old Hanover Road Spring Grove, PA 17362 | Bunch Creek/UNT to Codorus Creek/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430 |
| Fairview Township York County | PAG02006715054 Issued | Fairview Township 599 Lewisberry Road New Cumberland, PA 17070 | UNT to Yellow Breeches Creek/ CWF, MF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430 |
| Perry Township & Shoemakersville Borough Berks County | PAG02000615 036 Issued | Perry Township Municipal Authority 680 Moselem Springs Road Shoemakersville, PA 19555 | Pigeon Creek/ WWF, MF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 |
| <i>Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i> | | | | |
| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
| Bradford County Canton Township | PAG02000814013(2) | Beaver Dam Energy LLC 6051 Wallace Rd Ext Ste 100 Wexford, PA 15090 | Towanda Creek, CWF | Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6 |
| Bradford County Canton Twp | PAG02000815003(1) | Chris Nissel Tyson Beaver Dam Energy LLC 6051 Wallace Rd Ext Ste 100 Wexford, PA 15090 | UNTs to Towanda Creek, CWF | Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6 |
| Centre County Boggs Township | PAG02001414010(1) | Bald Eagle Area High School—Mr Randy Greene 751 S Eagle Valley Rd Bellefonte, PA 16823 | Bald Eagle Creek—TSF | Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817 |
| Northumberland County Ralpho Township | PAG02004914005(1) | Aqua Pennsylvania, Inc 204 East Sunbury St Shamokin, PA 17872 | Shamokin Creek, WWF, MF | Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4 |
| Northumberland County Borough of Riverside | PAG02004915008 | UGI Riverside Phase I 2525 N 12th St Ste 360 Reading, PA 19612-2677 | Susquehanna River, WWF, MF | Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4 |
| Northumberland County Delaware Township | PAG02004915009 | Pennsylvania American Water Co 852 Wesley Drive Mechanicsburg, PA 17055 | Dry Run, WWF, MF Delaware Run, WWF, MF | Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4 |

NOTICES

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

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office and Phone No.</i> |
|--|-------------------|---|--|---|
| East Franklin Township Armstrong County | PAG02000315003 | West Kittanning Assocs., LP c/o The Staenberg Group 2127 Innerbelt Business Center, Suite 310, St. Louis, MO 63114 Nicklas Nolte 164 South Water Street Kittanning, PA 16201 Gary and Lisa Montebell 207 Cedar Drive Kittanning, PA 16201 | UNT to Allegheny River (WWF) | Armstrong Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201 (724) 548-3425 |
| Center Township; Potter Township Beaver County | PAG02000415009 | Shell Chemical Appalachia, LLC, Shell Trailer #3, 300 Frankfort Road, Monaca, PA 15061 | Poorhouse Run (WWF) | Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724) 378-1701 |
| Brothersvalley Township Somerset County | PAG02005615012 | Mainland Dollar General Berlin, LLC 118 16th Avenue South, Suite 230 Nashville, TN 37203 | Millers Run (CWF) | Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652 |
| Somerset Township Somerset County | PAG02005615016 | CNG Motor Fuels of Somerset County, LLC 5349 Route 36 Coolspring, PA 15730 | UNTB to the East Branch of Coxes Creek (CWF) | Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652 |
| Morris Township Washington County | PAG02006315038 | CNX Gas 1000 Consol Energy Drive Canonsburg, PA 15317 | UNT to Tenmile Creek (TSF) | Washington County Conservation District Suite 105 2800 North Main Street Washington, PA 15301 (724) 705-7098 |
| Jackson Township Butler County | PAG02001015032 | Seneca Valley School District Attn: Mr. Robert K. Cook 124 Seneca School Road Harmony, PA 16037 | Little Connoquenessing Creek CWF & UNT Little Connoquenessing Creek CWF | Butler County Conservation District 724-284-5270 |
| Jackson Township Butler County | PAG02001015040 | Towne Centre Associates c/o Mr. Donald Rodgers 215 Executive Drive Suite 300 Cranberry, PA 16066 | Scholars Run WWF | Butler County Conservation District 724-284-5270 |
| Farmington Township Clarion County | PAG02001615008 | Leeper DPP XIV LLC 9010 Overlook Blvd Brentwood, TN 37027 | Toby Creek CWF | Clarion County Conservation District 814-297-7813 |
| City of Hermitage Mercer County | PAG02004315010 | Hermitage DPP XII, LLC 9010 Overlook Blvd Brentwood, TN 37027 | Margargee Run WWF | Mercer County Conservation District 724-662-2242 |

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office and Phone No.</i> |
|---|-------------------|--|--|--|
| Pine Township Mercer County | PAG02004315013 | George Junior Republic Party 233 George Junior Road Grove City, PA 16127 | Wolf Creek CWF | Mercer County Conservation District 724-662-2242 |
| Newport Township Luzerne County | PAG02-1140-15-002 | PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790 | South Branch Newport Creek (CWF) | PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790 (570) 826-2371 |

General Permit Type—PAG-03

| <i>Facility Location Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--|--|
| Plum Borough Allegheny County | PAR806236 | Rolling Frito Lay Sales LP 7070 Samuel Morse Drive Suite 240 Columbia, MD 21046 | Unnamed Tributary to Thompson Run—19-A | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000 |
| West Taylor Township Cambria County | PAR706112 | Quaker Sales Corp PO Box 880 Johnstown, PA 15907 | Conemaugh River and Unnamed Stream—18-D | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000 |
| Susquehanna Township Cambria County | PAR706113 | Quaker Sales Corp PO Box 880 Johnstown, PA 15907 | Unnamed Stream and West Branch Susquehanna River—8-B | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000 |
| Fairview Township Erie County | PAG038324 | PHB Inc. 7900 West Ridge Road Fairview, PA 16415 | Trout Run—15-A | DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942 |

General Permit Type—PAG-4

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|------------------------------|---|
| Franklin County/ Lurgan Township | PAG043952 | Samual Lantz 9031 Ottrebein Church Road Newburg, PA 17240 | UNT Paxton Run/WWF & MF | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |

Permit Type—PAG-5

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|------------------------------|--|
| York County/ Delta Borough | PAG053606 | William Hubbard (former Hess Oil) 59 Griffith Road Delta, PA 17314 | Scott Creek/TSF & MF | DEP—SCRO— CW Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |

General Permit Type—PAG-8

| <i>Facility Location & County/Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---------------------------------|---|
| Borough of Hopewell Wastewater Treatment Plant 411 Broad Street Hopewell, PA 16650 | PAG083508 | Borough of Hopewell PO Box 160 Hopewell, PA 16650 | Same As Facility | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707 |
| Bedford County/ Hopewell Borough | | | | |

General Permit Type—PAG-10

| <i>Facility Location Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--|--|
| Harford Township Susquehanna County | PAG102333 | Williams Field Services Co., LLC Park Place Corporate Center 2 2000 Commerce Drive Pittsburgh, PA 15275-1026 | Martins Creek and Tributary 29103 to Partners Creek (4-F)—CWF/MF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit #0915523 issued to: **Buckingham Township Furlong**, P. O. Box 413, Buckingham,

PA 18912 [(PWSID)] Buckingham Township, **Bucks County** on October 23, 2015 for the certification of 4-log treatment of viruses at entry point 103.

Permit No. 0915514, Minor Amendment. Public Water Supply.

| | |
|----------------------------|---|
| Applicant | Plumstead Township |
| Township | Plumstead |
| County | Bucks |
| Type of Facility | PWS |
| Consulting Engineer | Gilmore & Associates 350 East Butler Avenue New Britain, PA 18901 |
| Permit to Construct Issued | October 21, 2015 |

Permit No. 0915519, Minor Amendment. Public Water Supply.

| | |
|--------------------------|--|
| Applicant | Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033 |
| Township | Lower Makefield |
| County | Bucks |
| Type of Facility | PWS |
| Consulting Engineer | Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033 |
| Permit to Operate Issued | October 23, 2015 |

Permit No. 1515530, Minor Amendment. Public Water Supply.

| | |
|-----------|--|
| Applicant | Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033 |
| City | City of Coatesville |

County **Chester**
 Type of Facility PWS
 Consulting Engineer Pennsylvania American Water Company
 800 West Hershey Park Drive
 Hershey, PA 17033
 Permit to Operate October 23, 2015
 Issued

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

Permit No. 6415501, Public Water Supply.

Applicant **Paradise Point Water Company**
 82 Lakeview Drive
 Lakeville, PA 18438
 Municipality Paupack Township
 County **Wayne**
 Type of Facility PWS
 Consulting Engineer Edward L. Gillette, Jr.
 Environmental Engineering &
 Management Associates, Inc.
 P. O. Box 232
 Kulpsville, PA 19443
 Permit to Construct October 7, 2015
 Issued

Permit No. 2640028, Operation Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 1775 North Main Street
 Honesdale, PA 18431
 Municipality Hawley Borough
 County **Wayne**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Operate October 8, 2015
 Issued

Permit No. 3480057, Operation Permit, Public Water Supply.

Applicant **Northampton Borough Municipal Authority**
 1 Clear Springs Drive
 P. O. Box 156
 Northampton, PA 18067
 Municipality Whitehall Township
 County **Lehigh**
 Type of Facility PWS
 Consulting Engineer R. Scott Hughes, P.E.
 Gannett Fleming, Inc.
 P. O. Box 80794
 Valley Forge, PA 19484-0794
 Permit to Operate October 14, 2015
 Issued

Permit No. 2660018, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010

[Borough or Township] Clinton Township
 County **Wyoming**
 Type of Facility PWS
 Consulting Engineer Mr. Anthony L. Fernandes, P.E.
 Aqua Pennsylvania, Inc.
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010
 Permit to Operate 10/13/2015
 Issued

Permit No. 2450009, Operations Permit, Public Water Supply.

Applicant **Cresson Point Properties, LLC**
 P. O. Box 53
 Ashfield, PA 18212
 [Borough or Township] Hamilton Township
 County **Monroe**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Operate 10/13/2015
 Issued

Permit No. 4515502MA, Public Water Supply.

Applicant **Tri Valley Water Supply, Inc.**
 P. O. Box 60
 Lehighton, PA 18235
 [Borough or Township] Polk Township
 County **Monroe**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Construct 10/20/2015
 Issued

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

Permit No. 3815505 MA, Minor Amendment, Public Water Supply.

Applicant **Lebanon City Authority**
 Municipality Swatara Township
 County **Lebanon**
 Responsible Official Jonathan R. Beers, Executive Director
 2311 Ridgeview Road
 Lebanon, PA 17042
 Type of Facility Replacement of raw and finished water master meters.
 Consulting Engineer Jonathan R. Beers, P.E.
 City of Lebanon Authority
 2311 Ridgeview Road
 Lebanon, PA 17042
 Permit to Construct 10/21/2015
 Issued

Operation Permit No. 2114502 MA issued to: **United Water Pennsylvania, Inc. (PWS ID No. 7210028)**, Upper Allen Township, **Cumberland County** on 10/22/2015 for facilities approved under Construction Permit No. 2114502 MA.

Operation Permit No. 3615503 issued to: **Nissley Vineyards (PWS ID No. 7360998)**, Conoy Township,

Lancaster County on 10/16/2015 for facilities approved under Construction Permit No. 3615503.

Rescission of Operation Permit No. 4440299 issued to: **US Mobile Home Park, LLC (PWS ID No. 4440299)**, Derry Township, **Mifflin County** on 10/21/2015. Action is for the Entire rescission of facilities approved under Operation Permit No. 4440299.

Comprehensive Operation Permit No. 7210022 issued to: **SRH Properties, LLC (PWS ID No. 7210022)**, North Middleton Township, **Cumberland County** on 10/16/2015 for the operation of facilities at Hillside Mobile Home Park submitted under Application No. 7210022.

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

Permit No 4915502—Operation/Transfers—Public Water Supply.

| | |
|-----------------------|---|
| Applicant | McEwensville Water System |
| Township/Borough | McEwensville Borough |
| County | Northumberland |
| Responsible Official | David R. Kaufman, P.E. PA American Water Company 800 West Hershey Park Drive Hershey, PA 17033 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Scott Sharp PA American Water Company 105 Sodom Road Milton, PA 17847 |
| Permit Issued | October 21, 2015 |
| Description of Action | Instead of transferring each individual permit, as requested, the following permits have been combined into one new system-wide Permit No. 4915502: Permit No. 4975501, issued July 31, 1975, approved the McEwensville water system, including the distribution system, Well No. 1, transmission line, sodium hypochlorite disinfection system, and a 100,000 gallon steel finished water storage tank. A Minor Amendment, issued October 12, 1989, approved modifications to the piping inside the existing finished water storage tank to minimize freezing problems. Permit No. 4992502, issued January 27, 1997, approved Well No. 2 as an additional source of supply, with sodium hypochlorite disinfection facilities and 38 feet of 36-inch diameter detention piping. The Groundwater Rule Minor Amendment, issued March 8, 2012, verified 4-log inactivation of viruses for Well Nos. 1 and 2. |

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

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New

Stanton, PA 15672, (PWSID #5020025) City of McKeesport, **Allegheny County** on October 21, 2015 for the operation of facilities approved under Construction Permit #0215515.

Permit No. 3215504MA, Minor Amendment. Public Water Supply.

| | |
|----------------------------|--|
| Applicant | Green Township Municipal Authority 77 Musser Street Commodore, PA 15729 |
| [Borough or Township] | Green Township |
| County | Indiana |
| Type of Facility | Water system |
| Consulting Engineer | Keller Engineers, Inc. 420 Allegheny Street PO Box 61 Hollidaysburg, PA 16648 |
| Permit to Construct Issued | October 9, 2015 |

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Lower Paxton Township | 425 Prince Street, Harrisburg, PA 17109 | Dauphin |

Plan Description: The approved plan (F1-22921-ACT) provides for the transfer of flow between the Beaver Creek and Paxton Creek Basins within Lower Paxton Township that are currently served by public sewer. The plan proposes the rerouting of existing sanitary sewers that serve 12 EDUs from mini-basin BC-4C to mini-basin PC-4E. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Under the Pennsylvania Sewage Facilities Act

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Amity Township | 2004 Weavertown Rd, Douglassville, PA 19518 | Berks |

Plan Description: The planning module for the Leaf Creek Farm Subdivision, DEP Code No. A3-06917-198-3, APS Id 879656, consisting of the construction of 97 single family homes, 32 semi-detached dwellings, and 162 townhouse units to generate sewage flows of 66,639 gallons per day and be served by Amity Township's sewers and wastewater treatment plant, is disapproved. The submis-

sion lacked the sewage planning module review fee, as prescribed by Chapter 71, Section 71.83(a)(3) and section R of the Component 3 module. The project is located between Pine Forge Road and Old Swede Road.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

SWEPT—Netterman Compressor Station, 66 Ashley Road, Charleston Township, **Tioga County**. AECOM, 681 Andersen Drive, Suite 400, Pittsburgh, PA 15220, on behalf of SWEPI LP, 12880 Route 6, Wellsboro, PA 16901, submitted a Final Report concerning remediation of site soils contaminated with production fluid, glycol and lube oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Lehigh Valley Industrial Park Lot 53, 1355 Easton Road, Bethlehem City, **Northampton County**. HDR Engineering, 1720 Spillman Drive, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, 1355 Easton Road, Bethlehem, PA 18108, submitted a Cleanup Plan concerning remediation of site soils contaminated with manganese. The report is intended to document remediation of the site to meet the Site-Specific Standard.

A&M Hibbard Centralized Water Treatment Facility, 7111 State Route 29, Dimock Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate and a Final Report concerning remediation of site soils contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, Zinc, and Chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard and Background Standard.

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

Boger Concrete Accident/Farmers Pride, SR 343 and US 22, Bethel Township, **Lebanon County**. EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Environmental Compliance Management, 345 King Street, Myerstown, PA 17067, and Farmers Pride, Incorporated, dba Bell & Evans, 154 West Main Street, P. O. Box 39, Fredericksburg, PA 17026 submitted Final Report concerning remediation of site soils and surface water contaminated with diesel fuel and hydraulic oil. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

Alcoa Mill Products, 1480 Manheim Pike, Lancaster, PA 17604, Manheim Township, **Lancaster County**. TetraTech, 661 Andersen Drive, Pittsburgh, PA 15220, on behalf of Alcoa Mill Products, PO Box 3167, Lancaster, PA 17604-3167, submitted a Remedial Investigation Report, Risk Assessment Report, and a Cleanup Plan concerning remediation of site soils and groundwater contaminated with Linpar Cold Rolling Oil. The combined Report is intended to document remediation of the site to meet the Site Specific Standard.

Vallorbs Jewel Company, 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, East Lampeter Township, **Lancaster County**. Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330, on behalf of Vallorbs Jewel Company and Steudler Real Estate II, both at 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with TCE. The site will be remediated to a combination of the Residential Statewide Health and Site Specific Standards.

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

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

Fred Kassanitsh Property, 10595 Horseshoe Drive, Pine Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, 4250 Route 6N, Edinboro, PA 16412, on behalf of State Farm Insurance, P. O. Box 106110, Atlanta, GA 30348, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl-tert-butyl-ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

All American Hose, Inc., 6424 West Ridge Road, Fairview Township, **Erie County**. AECOM, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Final Report concerning the remediation of site soil contaminated with acetone, benzene, chloromethane, ethylbenzene, toluene, 1,2,4-trimethylbenzene, 1,2,3-trimethylbenzene, 1,3,5-trimethylbenzene, total xylenes, benzo[b]fluoranthene, fluoranthene, arsenic, barium, cadmium, chromium (III), and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Verizon Hermitage Garage/Work Center (GLC 58044), 2605 Freedland Road, City of Hermitage, **Mercer County**. Langan Engineering & Environmental Services, 601 Technology Drive, Suite 200, Canonsburg, PA 15317, on behalf of Verizon Pennsylvania, LLC, 966 South Matlack Street, West Chester, PA 19382, submitted a Final Report concerning the remediation of site soil contaminated with Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Indeno[1,2,3-c,d]pyrene, Arsenic, and Manganese. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Larimer/East Liberty Phase II Development (formerly known as East Liberty Gardens) Intersection of Larimer Avenue and Broad Street, City of Pittsburgh, **Allegheny County**. K.U. Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Housing Authority of the City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation/Risk Assessment Report and Cleanup Plan concerning site soils contaminated with semi-volatile organic compounds and metals, and groundwater contaminated with volatile organic compounds and metals. Notice of the RI/RA/CP was published in the *Tribune-Review* on October 6, 2015.

Former Heppenstall Facility, 4700 Hatfield Street, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Regional Industrial Development Corporation of Southwestern Pennsylvania Growth Fund, 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile and semi-volatile organic compounds (VOCs & SVOCs) and metals. Notice of the Final Report was published in the *Tribune-Review* on October 8, 2015.

XTO Energy—Clark McLaughlin #4 Well Site, Banks Township, **Indiana County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Twp., PA 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Remedial Investigation/Final Report concerning site soils contaminated with chloride, aluminum, barium, boron, lithium, manganese, strontium, vanadium, zinc, & selenium from a release of brine. The report is intended to document remediation of the site to meet a combination of Site Specific and Statewide Health standards. Notice of the RI/FR was published in the *Punxsutawney Spirit* on September 23, 2015.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Hollywood Trucking, Interstate 80 Westbound at MM213W, Turbot Township, **Northumberland County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 have submitted a Final Report on behalf of their client, Hollywood Trucking, 43709 Brandley Brownlee Road, Cortland, OH 44410 concerning the remediation of site soil contaminated with Diesel Fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on October 16, 2015.

Five River Trucking, Interstate 80 at MM190W, Green Township, **Clinton County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Five River Trucking, 511 Cando Expressway, Hazleton, PA 18202 submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 22, 2015.

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

Former O-Z/Gedney Company LLC Facility, 150 Birch Hill Road, Shoemakersville, Perry Township, **Berks County**. WSP USA Corporation, 11190 Sunrise Valley Drive, Suite 300, Reston, VA 20191, on behalf of Emerson, 8000 West Florissant Avenue, St. Louis, MO 63136-1415, and Event Horizon Holdings, LLC, 150 Birch Hill Road, Shoemakersville, PA 19555, submitted a Final Report concerning site soils and groundwater contaminated with Inorganics. The Final Report demonstrated attainment of a combination of Non-Residential Statewide Health and Site Specific Standards, and was approved by the Department on October 21, 2015.

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

Patterson Well Pad (Rex Energy), 828 Walker Road, Little Beaver Township, **Lawrence 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 soil contaminated with barium, cadmium, chromium, lead, selenium, mercury, dichlorodifluoromethane, silver, chloromethane, vinyl chloride, bromomethane, chloroethane, trichlorofluoromethane, acrolein, 1,1-dichloroethene, acetone, methylene chloride, acrylonitrile, methyl-tert-butyl ether, trans-1,2-dichloroethane, 2-butanone, 2,2-dichloropropane, cis-1,2-dichloroethene, chloroform, bromochloromethane, 1,1,1-trichloroethane, 1,1-dichloropropene, carbon tetrachloride, benzene, 1,2-dichloroethane, trichloroethene, 1,2-dichloropropane, 1,4-dioxane, dibromomethane, bromodichloromethane, 2-chloroethyl vinyl ether, cis-1,3-dichloropropene, 4-methyl-2-pentanone, ethylbenzene, toluene, trans-1,3-dichloropropene, 1,2,3-trichloropropane, 1,1,2-trichloroethane, 1,3-dichloro-

propane, tetrachloroethene, 2-hexanone, dibromochloromethane, 1,2-dibromoethane, chlorobenzene, 1,1,1,2-tetrachloroethane, styrene, isopropylbenzene, bromoform, isopropylbenzene, 1,1,2,2-tetrachloroethane, n-propyl benzene, 1,3,5-trimethylbenzene, bromobenzene, 2-chlorotoluene, 4-chlorotoluene, tert-butylbenzene, 1,2,4-trimethylbenzene, sec-butylbenzene, 4-isopropyltoluene, 1,3-dichlorobenzene, butylbenzene, 1,4-dichlorobenzene, 1,2-dichlorobenzene, 1,2-dibromo-3-chloropropane, 1,2,4-trichlorobenzene, hexachlorobutadiene, naphthalene, 1,2,3-trichlorobenzene, and xylenes. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 20, 2015.

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

Sherwood Valve—Washington Plant (formerly Superior Valve/Amcast) 2200 North Main Street, Washington, 15301, Chartiers Township, **Washington County**. Cummings/Riter Consultants, 300 Penn Ctr. Blvd., Ste 800, Pittsburgh, PA 15235 on behalf of Sherwood Valve, LLC, 2200 North Main Street, Washington, PA 15301, submitted a Risk Assessment Report and Addendum concerning remediation of site groundwater contaminated with Trichloroethene, cis-1,2-Dichloroethene and Tetrachloroethene. The Risk Assessment and Addendum was approved by the Department on October 20, 2015.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

Hazardous Waste Transporter License Reissued

Energy Transportation, LLC, PO Box 430, Bridgeport, WV 26330. License No. PA-AH 0807. Effective Oct 19, 2015.

K&D Industrial Services, Inc., 6470 Beverly Plaza, Romulus, MI 48174. License No. PA-AH 0320. Effective Oct 20, 2015.

McCutcheon Enterprises, Inc., 250 Park Rd, Apollo, PA 15613-8730. License No. PA-AH 0130. Effective Oct 21, 2015.

PSC Industrial Outsourcing, LP. dba Philip West Industrial Services, 1082 Shelton Drive, Hollister, CA 95023. License No. PA-AH 0395. Effective Oct 21, 2015.

Renewal Applications Received

The Environmental Service Group (NY), Inc., 177 Wales Ave, Tonawanda, NY 14150. License No. PA-AH S144. Effective Oct 19, 2015.

McCutcheon Enterprises, Inc., 250 Park Rd, Apollo, PA 15613-8730. License No. PA-AH 0130. Effective Oct 16, 2015.

**REGULATED MEDICAL AND
CHEMOTHERAPEUTIC WASTE TRANSPORTER
LICENSE**

Actions on applications for Regulated Medical 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 regulated medical and chemotherapeutic waste.

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

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

UPMC Altoona, 620 Howard Ave, Altoona, PA 16601. License No. PA-HC 0124. Effective Oct 19, 2015.

MUNICIPAL WASTE GENERAL PERMITS

Permits issued 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 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 17105-8472.

General Permit Application No. WMGM019SW001. Wood Waste Recycling, LLC., 111 Kelso Road, McDonald, PA 15057.

General Permit No. WMGM019SW001 authorizes the processing of used concrete, used asphalt, yard waste, wood waste and soil for beneficial use as: (1) construction material; and (2) topsoil and mulch for commercial purposes. The crushing facility is located in North Fayette Township, **Allegheny County**. The general permit was issued by Central Office on October 19, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

BOND RELEASED

Bond released under the Solid Waste Management Act and regulations to operate a municipal or residual waste facility.

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit ID No. WMGR123SW012: Aquatech International Corporation, One-Four Coins Drive, Pittsburgh, PA 15317, for Aquatech International Corporation Processing Facility, 303 Pettit Road, Sycamore, PA 15364. The Department released \$55,920.00 in bond liability for clean closure and bond release and voided the permit for the processing facility in Washington Township, **Greene County** which never operated. The permit was voided and the bond was released by the Regional Office on May 5, 2015.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP11-46-0075: Harleysville Materials, LLC (P. O. Box 587, Berlin, NJ) On October 20, 2015 for One (1) Caterpillar C9 ACERT diesel-fired non-road engine, rated at 275 bhp in Lower Salford Township, **Montgomery County**.

GP3-46-0125: Harleysville Materials, LLC (P. O. Box 587, Berlin, NJ) On October 20, 2015 for a Portable Jaw Crusher—Terex Pegson XR-400 in Lower Salford Township, **Montgomery County**.

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

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

GP4-67-03174: Finishing Systems, Inc. (70 Willow Springs Circle, York, PA 17406) on October 20, 2015, for an existing burnoff oven, under GP 4, at the metal finishing facility located in Manchester Township, **York County**.

GP3-28-05035D: St. Thomas Development, Inc. (1750 Walton Road, Blue Bell, PA 19422) on October 6, 2015, for portable nonmetallic mineral processing equipment at the St. Thomas Quarry, located in St. Thomas Township, **Franklin County**.

GP9-28-05035D: St. Thomas Development, Inc. (1750 Walton Road, Blue Bell, PA 19422) on October 6, 2015, for a diesel fuel-fired internal combustion engine to power portable nonmetallic mineral processing equipment at the St. Thomas Quarry, located in St. Thomas Township, **Franklin County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 412-442-4150

GP5-63-01000: Rice Poseidon Midstream, LLC (400 Woodcliff Drive, Canonsburg, PA 15317) on October 23, 2015, to authorize the installation and operation of a natural gas compressor station consisting of four lean burn natural gas-fired compressor engines rated at 2,370 bhp and controlled by oxidation catalysts, one tri ethylene glycol dehydrator (including flash tank and reboiler) rated for 208 MMSCFs/day and controlled by an enclosed flare, and two 16,800 gallons produced water tanks. The facility will be authorized under GP-5 for natural gas compression, named Kryptonite Compressor Station, and located in Amwell Township, **Washington 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.

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

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

46-0100: Saint-Gobain Abrasives Inc. (200 Commerce Drive, Montgomeryville, PA 18936) On October 22, 2015, for a wider abrasives surface coating line and associated increases in allowable emissions of volatile organic compounds (VOC) to accommodate the wider line and expected market increases. One of three surface coating lines at the facility will be widened to allow processing of a 25 inch product rather than the current 19 inch product. VOC emission limits for the widened line and another surface coating line producing similar products at the facility are combined, where previously emissions were specified by line and operation. Allowable VOC emissions for the combined source are increased from 3.28 tons/year to 7.9 tons/year on a 12-month rolling basis and from 1.75 lb/hour to 4.23 lbs/hr on a 24 hour average basis. VOC emissions will continue to be controlled by a regenerative thermal oxidizer having 95% VOC destruction efficiency, which is Best Available Technology (BAT). The destruction efficiency will be confirmed through stack testing. The facility will continue to comply with the applicable requirements of 25 Pa. Code § 129.52b, to which it is subject, as well as monitoring, recordkeeping and work practice conditions as specified in the facility's Operating Permit for the surface coating operations.

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

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

67-05083E: Calpine Mid-Merit, LLC (500 Delaware Avenue, Suite 600, Wilmington, DE 19801) on October 20, 2015, for the authorization to transfer and use the NO_x and VOC emission reduction credits (ERCs) described below in order to comply with the offset requirements of Section E (Group 007), Condition #001, of P.A. No. 67-05083D at the York Energy Center electric power generation facility located in Peach Bottom Township, **York County**. In accordance with 25 Pa. Code § 127.208(2), the Department authorizes the transfer and use of the following ERCs:

(a) 372.4 TPY of NO_x ERCs for offset purposes from First Energy Solutions Corporation (First Energy) (formerly known as Allegheny Energy Supply Company, LLC). The 372.4 TPY of NO_x ERCs previously registered to First Energy were generated from the shutdown of a source (Unit #1) at the Armstrong Power Plant located in Washington Township, Armstrong County, PA, on 8/31/12. The Department certified and registered the 372.4 TPY of NO_x ERCs on 3/13/15.

(b) 19.0 TPY of NO_x ERCs for offset purposes from General Shale Brick, Inc. (GSB). The 19.0 TPY of NO_x ERCs previously registered to GSB were generated from the shutdown of sources (Kilns #3 & #4) at the Darlington Brick Plant located in Darlington Township, Beaver County, PA, on 10/31/05. The Department certified and registered the 19.0 TPY of NO_x ERCs on 11/21/07.

(c) 291.4 TPY of VOC ERCs for offset purposes from Quad/Graphics, Inc. (QG). The 291.4 TPY of VOC ERCs previously registered to QG were generated from the shutdown of the Quad Graphics Printing Corporation facility located in the Village of Depew, Erie County, NY, on 12/21/11.

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

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

11-00533A: Starprint Publications, Inc. (722 Dulancey Drive, Portage, PA 15946) on October 27, 2015, to install and temporarily operate a regenerative thermal oxidizer for the control of two currently installed and one planned replacement printing presses at its commercial printing facility located in Portage Borough, **Cambria County**. This plan approval is also for the installation and temporary operation of the above-referenced replacement printing press and temporary operation of the two above-referenced currently installed printing presses at this facility.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-171E: Butler Color Press (119 Bonnie Drive, Butler, PA 16002), on October 22, 2015, for the modification of plan approval 10-171D conditions associated with the construction of a new web offset pressline controlled by a new dryer/afterburner control system in Summit Township, **Butler County**. This is a State Only 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 A. Beach, New Source Review Chief—Telephone: 484-250-5920

09-0221A: Bucks County Courier Times; (2 Geoffrey Dr. Fairless Hills, PA 19030-4310) On October 19, 2015 for use of offset lithographic press, degreasers and emergency generators in Falls Township, **Bucks County**.

46-0007: Holy Redeemer Hosp & Med Ctr (1648 Huntingdon Pike, Meadowbrook, PA 19046) On October 23, 2015 for a services for a general medical and surgical hospital in Abington Township, **Montgomery County**.

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

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

21-05040E: New Enterprise Stone & Lime Co., Inc. d/b/a Valley Quarries, Inc. (P. O. Box 2009, Chambersburg, PA 17201) on October 21, 2015, for the addition of waste-derived liquid fuel (WDLF) oil as a burner fuel firing option for the existing drum mix asphalt plant at the Shippensburg Blacktop Plant in Southampton Township, **Cumberland County**. The plan approval was extended.

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

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

30-00194B: EQM Gathering Opco, LLC (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) plan approval extension effective on October 30, 2015, with expiration date of April 30, 2016, for continued temporary operation of sources and controls at the Calisto Compressor Station located in Morris Township, **Greene County**.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

10-001N: AK Steel Butler Works (P. O. Box 832, Butler, PA 16003), on October 21, 2015, effective November 30, 2015, will issue a plan approval extension for the modification of the #26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of new low NO_x burners (increasing the fire rate from 24.4 mmbtus/hr to 26.8 mmbtus/hr). This is a Title V facility.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

09-00008: Tavo Packaging Inc. (2 Canal Road, Fairless Hills, PA 19030) On October 22, 2015, located in Falls Township, **Bucks County**. This action is a renewal of the State Only Operating Permit (Natural Minor). The company has commercial printing operation. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00158: Allied Crematory, LLC (864 Bristol Pike Bensalem, PA 19020) On October 23, 2015 for the renewal of the state only operating permit for operation of two (2) existing incinerators at a crematory located in Bensalem Township, **Bucks County**. There are no changes to sources at the facility. The facility's potential to emit for all criteria pollutants is less than the thresholds applicable to facilities located in the Philadelphia Metropolitan Statistical Area; therefore, the facility is a Natural Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

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

41-00056: Wenger's Feed Mill, Inc. (101 W. Harrisburg Ave., Rheems, PA 17570) on October 21, 2015, was issued a renewal state only operating permit for their Muncy Mill located in Clinton Township, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

28-05002: Letterkenny Army Depot (AMLD-EN, Chambersburg, PA 17201-4150) on October 13, 2015, for the military facility located in Letterkenny Township, **Franklin County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 28-05002M.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

33-00147: Dominion Transmission Big Run Compressor Station (5000 Dominion Blvd—2NW Glen Allen, VA 23060). On October 22, 2015 issued an administrative amendment to the State Operating Permit to incorporate the change of permit contact for the facility located in Gaskill Township, **Jefferson County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

60-00019: Playworld Systems, Inc. (1000 Buffalo Road, Lewisburg, PA 17837-9702), terminated State Only (Natural Minor) operating permit on October 19, 2015, for their Lewisburg Plant located in Buffalo Township, **Union County**. The facility's air contaminant emissions are below all Air Quality Program permitting limits.

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

118416503 and NPDES No. PA0235377. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Portage Plant in Portage Township, **Cambria County** and related NPDES permit from AMFIRE Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued October 13, 2015.

17831601 and NPDES No. PA0215317. River Hill Coal Company, Inc., (PO Box 141, Kylertown, PA 16847). To renew the permit for the Belford Siding in Karthaus Township, **Clearfield County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 2, 2014. Application received May 19, 2014. Permit issued October 16, 2015.

17831601 and NPDES No. PA0215317. River Hill Coal Company, Inc., (PO Box 141, Kylertown, PA 16847). To revise the permit for the Belford Siding in Karthaus Township, **Clearfield County** and related NPDES permit to relocate the permitted NPDES Outfall from Salt Lick Run to West Branch of Susquehanna River. No additional discharges. The application was considered administratively complete on May 6, 2015. Application received September 10, 2014. Permit issued October 16, 2015.

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

Permit No. 56130104 and NPDES No. PA0269417. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County** affecting 86.5 acres. Receiving streams: unnamed tributaries to Stonycreek River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2014. Issued: October 13, 2015.

This permit includes a stream encroachment for a variance to conduct surface mining activities within 100 feet of unnamed tributary "B" to the Stonycreek River. The Chapter 105 stream encroachment activities consist of construction of a haul road crossing and for erosion/sedimentation control facilities. Mining activity will affect 0.19 acre of wetland which will be replaced with 0.19 acre of wetland with a similar value during or after mining has been completed and before bond release. The permit also includes a request for a Section 401 Water Quality Certification.

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

17090101 and NPDES PA0257044. Fair Coal Company, LLC (360 Peaceful Endings Lane, Irvona, PA 16656). Permit renewal for continued operation and restoration of a bituminous surface mine located in Beccaria Township and Glen Hope Borough, **Clearfield County** affecting 143.8 acres. Receiving stream(s): Unnamed Tributaries to Clearfield Creek and Blue Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 4, 2014. Permit issued: October 20, 2015.

17090105. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for reclamation only of a bituminous surface and auger mine located in Bradford Township, **Clearfield County** affecting 46.2 acres. Receiving stream(s): Unnamed Tributary to Roaring Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2015. Permit issued: October 20, 2015.

17940122. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Permit renewal for reclamation only of a bituminous surface and auger mine located in Greenwood Township, **Clearfield County** affecting 120.2 acres. Receiving stream(s): Unnamed Tributary to Watts Creek and Watts Creek classified for the following use(s): High Quality CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 10, 2015. Permit issued: October 20, 2015.

14090101. Larry D. Baumgardner Coal Company, Inc. (P. O. Box 186, Lanse, PA 16849). Permit renewal for reclamation only of a bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 36.5 acres. Receiving stream(s): Unnamed Tributaries to Black Moshannon Creek classified for the following use(s): High Quality CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 30, 2015. Permit issued: October 20, 2015.

17840123 and NPDES No. PA0609382. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for modification to the NPDES for a non-discharge alternative pit water treatment facility located in Karthaus Township, **Clearfield County** affecting 233.6 acres. Receiving stream(s): Unnamed Tributaries to Saltlick Run and Saltlick Run to the West Branch Susquehanna River classified for the following use(s): High Quality CWF. Application received: May 21, 2015. Permit issued: October 20, 2015.

17040110 and NPDES PA0243884. Myers & Supko Contracting (Box 51, Osceola Mills, PA 16666). Permit renewal for reclamation only of a bituminous surface and auger mine located in Decatur Township, **Clearfield County** affecting 97.6 acres. Receiving stream(s): Big Run, Coal Run, and Moshannon Creek classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: January 6, 2015. Permit issued: October 21, 2015.

17990112 and NPDES PA0238350. Forcey Coal, Inc. (P. O. Box 225, 475 Banion Road, Madera, PA 16661). Permit renewal for continued passive treatment system on a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 128.0 acres. Receiving stream(s): Banian Run and Unnamed Tributary to Banian Run to Clearfield Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2015. Permit issued: October 21, 2015.

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

02880102 and NPDES Permit No. PA0591190. William J. Kisow (82 South Petrie Road, Coraopolis, PA 15108). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Kennedy & Robinson Townships, **Allegheny County**, affecting 15.7 acres. Receiving stream: unnamed tributary to Chartiers Creek. Application received: January 30, 2015. Renewal permit issued: October 19, 2015.

26900109 and NPDES Permit No. PA0592056. Chess Coal Company (P. O. Box 37, Dilliner, PA 15327). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 213 acres. Receiving stream: unnamed tributary to York Run. Application received: August 13, 2015. Renewal permit issued: October 20, 2015.

30030101 and NPDES Permit No. PA0250376. Patriot Mining Company, Inc. (2708 Cranberry Square, Morgantown, WV 26508). Permit renewal issued for reclamation only activities for discharge treatment to an existing bituminous surface mine, located in Greene Township, **Greene County**, affecting 117.4 acres. Receiving streams: unnamed tributary to Whitely Creek and Whiteley Creek. Application received: February 14, 2013. Renewal permit issued: October 20, 2015.

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

Permit No. 54070102R. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 149.7 acres, receiving stream: North Mahanoy Creek. Application received: November 8, 2012. Renewal issued: October 22, 2015.

Permit No. 54070102GP104. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54070102 in Mahanoy Township, **Schuylkill County**, receiving stream: North Mahanoy Creek. Application received: November 16, 2012. Permit issued: October 22, 2015.

Permit No. 49920101C6. Blaschak Coal Corp., (PO Box 12, Mahanoy City, PA 17948), correction to an existing anthracite surface mine operation for a boundary correction in Coal Township, **Northumberland County** affecting 954.61 acres, receiving stream: unnamed tributaries to Shamokin Creek. Application received: July 20, 2015. Correction issued: October 26, 2015.

Noncoal Permits Issued

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

Permit No. 11940301 and NPDES No. PA0212873, Cambria Industrial Metals, Inc., 306 Rose Road, Boswell, PA 15531, transfer of an existing large noncoal (industrial minerals) surface mine from Jigging Technologies, LLC, 950 Riders Road, Johnstown, PA 15906 located in East Taylor Township, **Cambria County** affecting 19.6 acres. Receiving stream: Hinckson Run classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 18, 2014. Permit Issued: October 13, 2015.

Permit No. 11940301-GP104, Cambria Industrial Metals, Inc., 306 Rose Road, Boswell, PA 15531, General NPDES Permit for stormwater discharges associated with mining activities on Non Coal permit No. 11940301 located East Taylor Township, **Cambria County**. Receiving stream: Hinckson Run classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 18, 2014. Permit Issued: October 13, 2015.

Permit No. 29150801-GP104, TMS Excavating, LLC, 226 Reservoir Road, McConnellsburg, PA 17233. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 29150801 located in Ayr Township, **Fulton County**. Receiving streams: unnamed tributary to Kendall Run to Big Cover Creek to Licking Creek to Potomac River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: February 9, 2015. Coverage approved: October 13, 2015.

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

37140301 and NPDES Permit No. PA0259551. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a large industrial mineral mine in Wayne Township, **Lawrence County**, affecting 225.1 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Squaw Run. Application received: January 23, 2015. Permit Issued: October 15, 2015.

22807-37140301-E-1. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Stream Encroachment to conduct support activities within 100 feet of and cross over Squaw Run in Wayne Township, **Lawrence County**, affecting 225.1 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Squaw Run. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: January 23, 2015. Permit Issued: October 15, 2015.

22807-37140301-E-2. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Stream Encroachment to conduct support activities within 100 feet of unnamed tributary No. 3 to Connoquenessing Creek in Wayne Township, **Lawrence County**, affecting 225.1 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Squaw Run. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: January 23, 2015. Permit Issued: October 15, 2015.

37140301. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Wetlands encroachment to impact and restore 0.59 acre of wetlands in Wayne Township, **Lawrence County**, affecting 225.1 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Squaw Run. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: January 23, 2015. Permit Issued: October 15, 2015.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 36154145. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Wilmer Martin barn and manure pit in West Cocalico Township, **Lancaster County** with an expiration date of December 30, 2015. Permit issued: October 22, 2015.

Permit No. 38154128. Abel Construction Co., Inc., (PO Box 476, Mountville, PA 17554), construction blasting for Northside Crossing in South Londonderry Township, **Lebanon County** with an expiration date of October 14, 2016. Permit issued: October 22, 2015.

Permit No. 58154129. DW Drilling & Blasting, (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804) construction blasting for Romeika J Gas Pad Gibon Township, **Susquehanna County** with an expiration date of October 8, 2016. Permit issued: October 22, 2015.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-864. PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19101, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain approximately 60 feet of 4-inch plastic gas main pipe in the roadbed and within the right-of-way of SR 0401, Conestoga Road where it crosses above an unnamed tributary to Valley Creek (EV).

The site is located at Conestoga Road between Valley Creek Road and the East Whiteland Township Municipal Building. (Malvern, PA USGS; Latitude: 40.050794; Longitude: -75.555028).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E54-359. Richard C. Hale, 2528 Sleepy Hollow Drive, State College, PA 16803. Union Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain a driveway crossing consisting of a 30-foot wide open span steel arch culvert across Trexler Run (HQ-CWF, CWF) having an 18-foot span and a 5.75-foot underclearance with headwalls and wingwalls. The project is located approximately 0.30 mile north of the intersection of Pine Swamp Road and Little Mountain Road (Shenandoah, PA Quadrangle Latitude: 40° 51' 26"; Longitude: -76° 16' 14") in Union Township, Schuylkill County. Subbasin: 5E.

E48-431. Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101. City of Easton, **Northampton County**, Army Corps of Engineers Philadelphia District.

To rehabilitate and maintain a three span stone masonry arch over Bushkill Creek (HQ-CWF, MF) by installing galvanized steel liners and concrete knee walls below stream bed for scour protection. The proposed work will result in normal clear spans of 26.8 feet for spans 1 and 2 and 18.9 feet for span 3 and underclearances of 19.3 feet, 19.1 feet and 12.9 feet respectively. The project is located along SR 2023, Section 01B, Segment 0010, Offset 1407 (Easton, PA Quadrangle Latitude: 41°41'42"; Longitude: -75°12'35").

E64-301. Lake Ariel DPP XI, LLC, 9010 Overlook Boulevard, Brentwood, TN 37027. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To place and maintain fill in a de minimus area of wetlands equal to 0.04 acre for the development of the Lake Ariel Dollar General Store. The project is located along SR 0191 at the intersection of SR 0191 and Samson Road (T 375) (Lake Ariel, PA Quadrangle Latitude: 41°27'16"; Longitude: -75°22'47"). Subbasin: 1C.

E13-182. PA Solar Park II, LLC, 100 Summit Lake Drive, Suite 400, Valhalla, NY 10595. Nesquehoning Borough, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a utility line stream crossing of Deep Run (EV, MF) consisting of a 24-inch diameter steel conduit carrying dual 6-inch diameter PVC conduits with electric utility lines and dual 2-inch diameter PVC conduits with communication utility lines via directional bore. The project is located on the north side of the SR 54, approximately 5.9 miles west of the intersection of SR 93 and U.S. Route 209 (Nesquehoning, PA Quadrangle Latitude: 40°51'18"; Longitude: -75°51'32"). Subbasin: 2B.

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

E14-561. Spring-Benner-Walker Joint Authority, 170 Irish Hollow Road, Bellefonte, PA 16823. Pump Station No. 7, in Walker Township, **Centre County**, ACOE Baltimore District (Mingoville, PA Quadrangle N: 40° 55' 24; W 77° 41' 35").

To construct and maintain 36 yd³ of fill in the floodway of Nittany Creek. Nittany Creek is classified as a Cold Water Fishery. This permit was issued under Section 105.13(e) "Small Projects."

E41-666. Williamsport Municipal Airport Authority, 700 Airport Drive, Montoursville, PA 17754. Runway 9-27 Approach Improvements, in Montoursville Borough, Fairfield Township, and Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Montoursville South, PA Quadrangle N: 41° 14' 32.50"; W: -76° 54' 48.90").

Williamsport Municipal Airport Authority plans to improve the approach to Runway 9-27. The project includes but is not limited to the construction of a 255 ft threshold displacement for Runway 27, installation of a new medium-intensity approach lighting system with runway alignment indicator lights, relocating the existing glide slope antenna, grading the glide slope critical area for the new location, and relocating the runway edge and threshold lights. In addition, the project requires obstruction removal beyond each end of the runway. The purpose of the project is to reduce the Runway 9-27 approach minimums to the greatest extent possible while complying with current FAA airport safety and design standards.

As approved, the project will require fill to be placed and maintained in 19,167 square feet (0.44 acre) of Palustrine Scrub-Shrub (PSS) wetland in the West Branch Susquehanna River watershed (Warm Water Fishery and Migratory Fishery). The project will have no direct impacts to streams, as approved.

The applicant will mitigate impacts to wetlands off-site by converting 0.66 acre of farm field to wetlands, adjacent to existing wetlands.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, 16335.

E33-252, PA DOT, District 10-0, P. O. Box 429, Indiana, PA 15701 in Punxsutawney Borough, **Jefferson County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a multi-girder steel bridge having four spans of 196.0 feet, 285.0 feet, 165.0 feet and 146.0 feet, and an underclearance of 54.62 feet on a 90° skew across Mahoning Creek and temporarily impact 0.02 acre of adjoining PEM wetlands with the temporary construction access on SR 0436 Segment 0050 Offset 0000 approximately 600 feet south of its intersection with SR 0036 (Punxsutawney, PA Quadrangle N: 40°, 56', 33" ; W: -78°, 59', 34"). The proposed structure will be constructed on a new alignment 56.0 feet downstream of the existing structure.

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

E5729-079: Appalachia Midstream Services, LLC, 400 1st Center, Suite 404, Horseheads, NY, 14845 Cherry Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using timber mats and a 10 inch diameter gas line impacting 3,996 square feet of a palustrine emergent (PEM) wetland and 7,845 square feet of a palustrine scrub shrub (PSS) wetland (Dushore, PA Quadrangle 41°32'42"N, 76°24'31"W);

(2) A 10 inch diameter gas line impacting 8 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 182 square feet of an exceptional value palustrine forested (EV-PFO) wetland by horizontal directional drill (Dushore, PA Quadrangle 41°32'46"N, 76°24'09"W);

(3) A 10 inch diameter gas line impacting 20 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 7 linear feet of an unnamed tributary to Marsh Run (EV) by horizontal directional drill (Dushore, PA Quadrangle 41°32'45"N, 76°24'05"W);

(4) A temporary road crossing using timber mats and a 10 inch diameter gas line impacting 2,454 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Dushore, PA Quadrangle 41°32'44"N, 76°23'55"W);

(5) A temporary road crossing using timber mats and a 10 inch diameter gas line impacting 2,138 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 131 linear feet of an unnamed tributary to Marsh Run (EV) (Dushore, PA Quadrangle 41°32'43"N, 76°23'34"W);

(6) A temporary road crossing using timber mats and a 10 inch diameter gas line impacting 129 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 12 linear feet of an unnamed tributary of Marsh Run (EV) (Dushore, PA Quadrangle 41°32'43"N, 76°23'34"W);

(7) A temporary road crossing using timber mats and a 10 inch diameter gas line impacting 768 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 101 linear feet of an unnamed tributary of Marsh Run (EV) (Dushore, PA Quadrangle 41°32'42"N, 76°23'22"W);

(8) A temporary road crossing using timber mats impacting 137 square feet of a palustrine emergent (PEM) wetland (Dushore, PA Quadrangle 41°32'48"N, 76°23'06"W).

The project will result in 16,942 square feet of temporary wetland impacts, 735 square feet of permanent wetland impacts, and approximately 251 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Cherry Township, Sullivan County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESX15-019-0031—Galaxy Compressor Station
Applicant ETC Northeast Pipeline LLC
Contact Mr. Kevin Roberts
Address 7000 Stonewood Drive Suite 351
City Wexford State PA Zip Code 15090-8392
County Butler Township Parker
Receiving Stream(s) and Classification(s) UNT of North Branch of Bear Creek.

ESCGP-2 #ESG13-083-0008A—Shawmut Grade Road—
Major Modification
Applicant Seneca Resources Corporation
Contact Mr. Doug Kepler
Address 5800 Corporate Drive, Suite 300
City Pittsburgh State PA Zip Code 15237
County McKean Township(s) Sergeant and Norwich
Receiving Stream(s) and Classification(s) East Branch Clarion River (HQ-CWF), UNT East Branch Clarion River (HQ-CWF), Gum Boot Run (HQ-CWF), Doe Run (HQ-CWF), UNT Doe Run (HQ-CWF), County Line Run (HQ-CWF), (2) UNTs County Line Run (HQ-CWF), Wellendorf Branch (HQ-CWF), North Fork Straight Creek (HQ-CWF), Red Mill Brook (CWF), West Fork West Branch Potato Creek (HQ-CWF), UNT West Fork West Branch Potato Creek (HQ-CWF), Lick Run (HQ-CWF), South Fork West Branch Potato Creek (HQ-CWF), (2) UNTs South Fork West Branch Potato Creek (CWF) UNT Elk Fork (HQ-CWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX29-115-15-0041
Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Forest Lake and Jessup Twps
Receiving Stream(s) and Classification(s) Roe Creek #43966 (CWF), UNT to Roe Creek #31614 (CWF)

ESCGP-2 # ESX29-015-15-0014
Applicant Name Regency Marcellus Gas Gathering LLC
Contact Person Kevin Roberts
Address 101 West Third Street
City, State, Zip Williamsport, PA 17701
County Bradford
Township(s) Franklin Twp
Receiving Stream(s) and Classification(s) UNT to Preacher Brook, Preacher Brook & UNT to Towanda Creek (CWF), Towanda Creek (TSF)
Secondary—West Branch Susquehanna River

ESCGP-2 # ESX29-033-15-0002
Applicant Name Campbell Oil & Gas Inc.
Contact Person W. Erik Wood
Address P. O. Box 278
City, State, Zip Indiana, PA 15701
County Clearfield
Township(s) Boggs and Woodward Twps
Receiving Stream(s) and Classification(s) UNT to Clearfield Creek (CWF)
Secondary—Clearfield Creek (WWF)

ESCGP-2 # ESX29-115-15-0042
Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275-1121
County Susquehanna
Township(s) Dimock Twp
Receiving Stream(s) and Classification(s) Stevens Creek #1057 (CWF), UNT to Stevens Creek #64339 (CWF)

ESCGP-2 # ESX10-115-0062(01)
Applicant Name Carrizo Marcellus LLC
Contact Person Gary Byron
Address 251 Drain Lick Road
City, State, Zip Drifting, PA 16834
County Susquehanna
Township(s) Jessup Twp
Receiving Stream(s) and Classification(s) East Branch Wyalusing Creek (CWF)
Secondary—Wyalusing Creek

SPECIAL NOTICES

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

Notice of Public Hearing on Draft NPDES Permit—Postponed

Notice is hereby given that the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, Coal Center, PA 15423 has received a request for a public hearing on the draft NPDES Permit for the NPDES permit renewal (NPDES No. PA0215112—Mining Permit No. 26970702) for Matt Canestrone Contracting, Inc., PO Box 234, Belle Vernon, PA 15012 for the LaBelle Site published at 45 Pa.B. 4806 (August 15, 2015). The site has nine NPDES outfalls located in Luzerne Township, Fayette County and one NPDES outfall in East Bethlehem Township, Washington County.

The draft NPDES permit renewal lists the following NPDES outfalls:

Outfall 001—Lat: 40° 00' 12" Long: 79° 57' 58"—UNT to Monongahela River

Outfall 002—Lat: 40° 00' 10" Long: 79° 58' 56"—UNT to Monongahela River

Outfall 003—Lat: 39° 59' 52" Long: 79° 58' 07"—UNT to Monongahela River

Outfall 004—Lat: 39° 59' 40" Long: 79° 58' 17"—Meadow Run

Outfall 005—Lat: 38° 59' 27" Long: 79° 58' 39"—UNT Meadow Run

Outfall 006—Lat: 40° 00' 21" Long: 79° 59' 11"—UNT to Monongahela River

Outfall 007—Lat: 39° 59' 59" Long: 79° 58' 59"—UNT to Monongahela River

Outfall 008—Lat: 40° 00' 28" Long: 79° 59' 07"—UNT to Monongahela River

Outfall 009—Lat: 39° 59' 42" Long: 79° 58' 18"—Meadow Run

The Department scheduled a public hearing on the draft NPDES permit renewal application at the LaBelle Volunteer Fire Department, 1101 LaBelle Road, LaBelle, PA 15450. The hearing originally scheduled for Friday, December 4, 2015, from 1 p.m. to 3 p.m. has been postponed and will be rescheduled. The nature of the public hearing is to solicit concerns and comments regarding the draft NPDES permit renewal for the LaBelle Site. The public hearing will be held in accordance with 25 Pa. Code § 92a.83.

The public hearing is being held at the request of the Citizens Coal Council (CCC) and Environmental Integrity Project (EIP), who state the draft permit is insufficient under the Clean Water Act and fails to achieve water quality standards because:

- It fails to include some of the most polluting point source discharges from the Matt Canestrone Contracting, Inc. site.
- It uses the coal refuse technology-based limits for a host of other pollutants which are likely to be in the waste streams from the site.
- The Department did not consider whether water-quality based limits are necessary when it is clear that the current technology-based limits are not sufficient to prevent violations of the water quality standards.
- The Department failed to carry out a comprehensive reasonable potential analysis on the tributaries of the Monongahela.

A Department representative will be available to receive both written and oral testimony regarding the draft NPDES permit. Testimony will be placed into public record for the draft NPDES permit and considered by Department staff in the review process.

Persons with a disability who wish to attend this public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Bonnie Herbert at (724) 769-1100 to discuss how the Department may accommodate your needs. If necessary, use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice users) and request that the call be relayed to Bonnie Herbert at (724) 769-1100.

Copies of the draft NPDES permit are on file for public review, by appointment, at the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

[Pa.B. Doc. No. 15-1974. Filed for public inspection November 6, 2015, 9:00 a.m.]

Bid Opportunity

OSM 26(7605)102.1, Abandoned Mine Reclamation Project, Phillips Mine Fire, North Union Township, Fayette County. The principal items of work and approximate quantities include mobilization and demobilization, blasting plan and safety program, clearing and grubbing, water source, delivery system, holding pond, temporary surface seal 40,000 cubic yards, northern air barrier 193,000 cubic yards, eastern air barrier/seal 55,000 cubic yards, southern fire barrier 399,000 cubic yards, extinguishment operations 750,000 cubic yards and permanent infiltration system 11,000 tons. This bid issues on November 6, 2015, and bids will be opened on December 3, 2015, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1975. Filed for public inspection November 6, 2015, 9:00 a.m.]

Nutrient Credit Trading Program; Certification Request

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Credit Certification Request

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 11 days.

| <i>Applicant</i> | <i>Pollutant Reduction Activity Description</i> |
|---|---|
| <p>Tiadaghton Municipal Authority. (Lycoming County) (National Pollution Discharge Elimination System Permit No. PA0234079)</p> | <p>This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the township's installed wastewater treatment process.</p> |

Written Comments

The Department must receive comments on this application for credit certification no later than Tuesday,

November 17, 2015. Commentators are urged to submit electronic comments using the Department's eComment site at www.ahs.dep.pa.gov/eComment. Written comments with the subject line "Tiadaghton" should be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov.

For further information about this certification request or the Trading Program contact Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov, or visit the Department's web site at http://www.depweb.state.pa.us/Nutrient_Trading.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1976. Filed for public inspection November 6, 2015, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Cumberland County

Proposers are invited to submit proposals to the Department of General Services to provide the Commonwealth with 14,611 usable square feet of office space in Cumberland County. Downtown locations will be considered. For more information on SFP No. 94777, which is due on December 17, 2015, visit www.dgs.pa.gov or contact Carol Munley, Bureau of Real Estate, (717) 787-7412, cmunley@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 15-1977. Filed for public inspection November 6, 2015, 9:00 a.m.]

Lease Office Space to the Commonwealth Montgomery County

Proposers are invited to provide a proposal to the Department of General Services for 5,000 to 6,000 net usable square feet of retail space for the Liquor Control Board in King of Prussia, Montgomery County, due on or before 3 p.m. on December 4, 2015. For more information

on SFP No. 94778, visit www.dgs.state.pa.us or contact the Bureau of Real Estate, (717) 787-4394.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 15-1978. Filed for public inspection November 6, 2015, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). The following request for exception relates to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

| <i>Facility Name</i> | <i>Regulation</i> |
|---------------------------------|--|
| Advanced Center for Surgery LLC | 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery) |

The request previously listed is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1979. Filed for public inspection November 6, 2015, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals) with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

| <i>Facility Name</i> | <i>Regulation</i> |
|----------------------------|---|
| Ephrata Community Hospital | 28 Pa. Code § 107.61 (relating to written orders) |
| | 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations) |
| Gettysburg Hospital | 28 Pa. Code § 51.6(b) (relating to identification of personnel) |

| <i>Facility Name</i> | <i>Regulation</i> |
|-----------------------|--|
| Penn Highlands DuBois | 28 Pa. Code § 553.1 (relating to principle) 28 Pa. Code § 553.31(b) (relating to administrative responsibilities) 28 Pa. Code § 555.1 (relating to principle) 28 Pa. Code § 557.1 (relating to policy) 28 Pa. Code § 563.1 (relating to principle) 28 Pa. Code § 563.2 (relating to organization and staffing) 28 Pa. Code § 567.2 (relating to committee responsibilities) 28 Pa. Code § 569.1 (relating to principle) |
| York Hospital | 28 Pa. Code § 107.61 |

The following hospital is requesting an exception under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

| <i>Facility Name</i> | <i>Guidelines Section</i> | <i>Relating to</i> | <i>Publication Year</i> |
|-------------------------------------|---------------------------|--------------------|-------------------------|
| St. Luke's Hospital—Anderson Campus | 2.2-3.12.2.8(1) | Nurse stations | 2014 |

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1980. Filed for public inspection November 6, 2015, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Presbyterian Homes of the Presbytery of Huntingdon
220 Newry Street
Hollidaysburg, PA 16648
FAC ID # 162302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1981. Filed for public inspection November 6, 2015, 9:00 a.m.]

**DEPARTMENT OF
LABOR AND INDUSTRY**

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on November 16, 2015, at 12 p.m. at the Department of Labor and Industry, 651 Boas Street, 10th Floor Large Conference Room, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for "Uniform Construction Code" then "UCC Review and Advisory Council."

Questions concerning this meeting may be directed to Penny Myers at (717) 783-6304.

KATHY MANDERINO,
Secretary

[Pa.B. Doc. No. 15-1982. Filed for public inspection November 6, 2015, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XXII; Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle XXII.

2. *Price:* The price of one Pennsylvania Millionaire Raffle XXII lottery game ticket is \$20.

3. *Ticket Sales and Drawing Date:* Pennsylvania Millionaire Raffle XXII lottery game ticket sales will commence on or after November 10, 2015, and will continue until all 500,000 tickets have been sold, or 8:00 p.m. on January 2, 2016, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XXII lottery game ticket will contain one chance consisting of one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XXII lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle XXII lottery game will be posted to the Lottery's publicly accessible website on January 2, 2016, at or after 10:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number exactly matches one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number exactly matches one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number exactly matches one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number exactly matches one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XXII lottery game prizes and determination of winners are as follows:

Ticket Matching Exactly the Unique Eight-digit Number Drawn:

| | |
|-------------------|----------------------|
| | <i>Win Prize Of:</i> |
| First-Prize-Tier | \$1,000,000 |
| Second-Prize-Tier | \$100,000 |
| Third-Prize-Tier | \$1,000 |
| Fourth-Prize-Tier | \$100 |

| | |
|--|--------------------------|
| <i>Maximum Odds Of Winning Are 1 In:</i> | <i>Number Of Winners</i> |
| 125,000 | 4 |
| 125,000 | 4 |
| 5,000 | 100 |
| 84.86 | 5,892 |

The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXII lottery game prize payments, including first-prize-tier prizes, will be made as one-time, lump-sum cash payments. Federal income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXII lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXII lottery game or through normal communications methods.

11. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of

Pennsylvania Millionaire Raffle XXII lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Lottery Millionaire

Raffle XXII ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

12. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXII lottery game. If the Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXII lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire Raffle XXII drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXII lottery

game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

14. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXII lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXII lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXII lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise 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.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1983. Filed for public inspection November 6, 2015, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on October 19, 2015, the following access routes for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length-each).
5. (X) 102" wide maxi-cubes.

| <i>Route Identification</i> | <i>Route Description</i> | <i>County</i> | <i>Length Miles</i> |
|-----------------------------|---|---------------|---------------------|
| SR 3012 | From SR 3013 to Stauffer Industrial Park Road | Lackawanna | 0.3 |
| SR 3013 | From SR 3016 to 1325 Main Street, Taylor | Lackawanna | 1.3 |
| SR 3016 | From US 11 to SR 3013 | Lackawanna | 0.9 |

The following municipality approved the access route within their jurisdiction: Lackawanna County.

| <i>Route Identification</i> | <i>Route Description</i> | <i>Length Miles</i> |
|-------------------------------|--------------------------|---------------------|
| Stauffer Industrial Park Road | From SR 3012 to SR 3011 | 1.7 |

Questions should be directed to Matthew Hedge at (717) 772-5462.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 15-1984. Filed for public inspection November 6, 2015, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

| <i>Applicant</i> | <i>Water</i> | <i>Location of Water</i> | <i>Description of Water</i> | <i>Nature of Vegetation to be Controlled</i> |
|--|---|---------------------------------------|---|--|
| Keith and Kathy Bonin Lake Bonin Campground | Lake Bonin N 41 52.471 W -76 16.407 | Jefferson Township Bradford County | 28-acre lake which discharges into an Unnamed Tributary to Jerome Creek tributary to Johnson Creek in the Wysox Creek watershed | <i>Naiad</i> <i>Large-leaf</i> <i>Pondweed</i> |

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 15-1985. Filed for public inspection November 6, 2015, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|---|-----------------|-----------------------|
| 10-195 | Department of Health Health Facilities | 10/13/15 | 12/10/15 |
| 54-69 | Pennsylvania Liquor Control Board Discount Pricing Practices | 10/14/15 | 12/10/15 |

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-1986. Filed for public inspection November 6, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Allianz Life Insurance Company of North America (ALLB-130164399); Rate Increase Filing for Several Individual LTC Forms

Allianz Life Insurance Company of North America is requesting approval to increase the premium an aggregate 39% on 2,251 policyholders of the following individual LTC forms: 10-P-Q-PA, 10-P-Q-PA(F), 11-P-Q-PA and 11-P-Q-PA(F).

Unless formal administrative action is taken prior to January 21, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1987. Filed for public inspection November 6, 2015, 9:00 a.m.]

HealthAssurance PA (AETN-130291033); Small Group PPO Off Exchange Plans; Rate Filing

HealthAssurance PA submitted a rate filing to increase the premium rates for its Small Group Off Exchange Plans. The filing proposes an average rate increase of 8.4% (range of -3.4% to 14.6%) and will affect approximately 33,000 members. The proposed rate increase will generate approximately \$3 million of additional annual revenue and will be effective April 1, 2016.

Unless formal administrative action is taken prior to January 20, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cheri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1988. Filed for public inspection November 6, 2015, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Daniel J. Holota; file no. 15-188-188595; Progressive Advanced Insurance Company; Doc. No. P15-10-010; December 3, 2015, 10 a.m.

Appeal of Diana Donly; file no. 15-116-189200; Erie Insurance Exchange; Doc. No. P15-10-014; December 8, 2015, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. 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 a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1989. Filed for public inspection November 6, 2015, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held
October 22, 2015

Commissioners Present: Gladys M. Brown, Chairperson; John F. Coleman, Jr., Vice Chairperson; Pamela A. Witmer; Robert F. Powelson; Andrew G. Place

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security;
M-2015-2490383

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license

will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Failure to file the requested documentation may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of October 9, 2015, each EGS listed in the Supplier Table below has not submitted the required bond or other approved security to the Commission.

Supplier Table—List of electric generation suppliers that have not submitted the required security

| | |
|----------------|--|
| A-2012-2320287 | Black Diamond Energy Consultants, Inc. |
| A-2010-2217557 | Branded Retail Energy Co LLC |
| A-2010-2176721 | Early Bird Power LLC |
| A-2010-2211398 | The Galt Company |
| A-2012-2322715 | Global Energy Concepts LLC |
| A-2012-2304910 | HP Technologies, Inc. |
| A-2010-2182907 | Kenneth E Ryan |
| A-2010-2206145 | LD Energy LLC |
| A-2013-2380065 | Mark Group, Inc. |
| A-2011-2250633 | Sperian Energy Corporation |
| A-2010-2210589 | Suncom, Inc. |
| A-2013-2380072 | Transparent Electric, Inc. |
| A-2011-2242007 | Utilities Analyses, Inc. |

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services (TUS) sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 60 days prior to each entity's security expiration date. Subsequently, after the expiration date of each entity's approved financial security, TUS sent a Certified Security Renewal Warning Letter which sought security renewal documentation within 10 days. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to cancel the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & En-

forcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the Electric Generation Supplier Licenses held by each company listed in the Supplier Table, are cancelled and the cases may be closed.

4. Upon entry of the Final Order described in ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1990. Filed for public inspection November 6, 2015, 9:00 a.m.]

PECO Energy Company's Plan for Seamless Moves and Instant Connects

Public Meeting held
October 22, 2015

Commissioners Present: Gladys M. Brown, Chairperson; John F. Coleman, Jr., Vice Chairperson; Pamela A. Witmer; Robert F. Powelson; Andrew G. Place

PECO Energy Company's Plan for Seamless Moves and Instant Connects; M-2014-2401085

Final Order

Before the Pennsylvania Public Utility Commission (Commission) is a recommendation from the Commission's Office of Competitive Market Oversight (OCMO) approving the amended plan of PECO Energy Company (PECO) for implementing seamless moves and instant connects in its service territory. A seamless move is the ability of a customer's choice of supplier to move with the customer to a new address within a single service territory without interruption. Instant connect is the ability of supply service to start on "day one" of new utility service—without the customer first having to go on default service.

Background

By order entered on April 29, 2011,¹ the Commission launched its Investigation of Pennsylvania's Retail Electricity Market (Electric RMI), directing OCMO to develop recommendations for improvements to ensure that a properly functioning and workable competitive retail electricity market exists in Pennsylvania. On February 15, 2013, the Commission entered its Electric RMI Final

¹ Investigation of Pennsylvania's Retail Electricity Market Order, Docket No. I-2011-2237952 (Order entered April 29, 2011).

Order² (RMI Final Order). As part of the RMI Final Order, the Commission instructed electric distribution companies (EDCs) to submit plans by the end of 2013 for the implementation of seamless moves and instant connects in their service territories by June 1, 2015.

Pursuant to the Commission's RMI Final Order, PECO submitted a compliance filing on December 18, 2013, which detailed the Company's plan to implement seamless moves and instant connects in its service territory by June 1, 2015. Subsequent events caused the Commission to modify the implementation timelines for these new market enhancements. Specifically, on April 3, 2014, the Commission promulgated new regulations directing the EDCs to develop three-business day supplier switching timeframes.³ Implementation of the three-business day switch went into effect on December 14, 2014. The Commission acknowledged that the implementation of three-business day supplier switching required significant effort by the EDCs and that the timely development of three-business day switching was a priority over instant connects and seamless moves. Therefore, by means of an August 13, 2014 Secretarial Letter,⁴ we permitted an EDC to delay the development of instant connects and seamless moves if the EDC determined that developing these processes could hinder or delay the development of three-business day supplier switching. In response, PECO, consistent with the directive in the Secretarial Letter, informally notified OCMO by email that it was postponing the implementation of seamless moves and instant connects.

On March 20, 2015, the Commission issued a Secretarial Letter⁵ directing EDCs, including PECO, to file revised plans to implement seamless moves and instant connects by July 1, 2016. EDCs, in their plans, were directed to demonstrate how they will achieve seamless moves and instant connects and their timeframes for implementation to meet a July 1, 2016 implementation deadline. Each plan was also expected to include an estimate of the costs to design, test, implement and maintain seamless moves and instant connects, and proposals for the recovery of those costs. This Secretarial Letter also provided a 30-day comment period for responses to the filed plans. The Commission then committed to review the plans and comments and determine appropriate further actions with regard to the filed plans.

On April 20, 2015, PECO filed, at the above noted docket, a revised plan to implement seamless moves and instant connects by July 1, 2016. Two parties, FirstEnergy Solutions (FES) and the Office of Consumer Advocate (OCA) filed comments in response to PECO's filing.

After careful review and consideration of PECO's plan and the comments filed, on October 1, 2015 the Commission adopted a Tentative Order⁶ directing PECO to file, within seven days, a revised plan reflecting the Tentative Order. The Order further provided parties an additional seven days to file comments on PECO's revised plan.

While the Commission found that most of the elements of PECO's April 20, 2015 plans for implementing seam-

less moves and instant connects were reasonable and in conformity with our expectations, a few specific elements of PECO's plan and its eligibility requirements were of concern or needed clarification. Specifically, in the Tentative Order, we directed PECO to revise their plan to:

- Include a three-day gap/overlap limit in their eligibility requirements for seamless moves.
- Clarify their proposed customer eligibility requirement for seamless moves and instant connects that the customer's account be in "good standing" and the reasons for this requirement.
- Revise their plan to have seamless moves and instant connect functionality available by September 30, 2016.

On October 8, 2015, PECO filed their amended plan.⁷ No parties filed comments in response to PECO's amended plan.

PECO's Amended Plan

PECO's revised plan includes eligibility requirements, procedures, timelines, cost estimates and cost recovery proposals. PECO notes that it participated in the Electronic Data Exchange Working Group (EDEWG) subgroup that convened in July 2013 to explore seamless move and instant connect protocols and accepts the EDEWG recommendations that resulted, which have been incorporated into its proposed plan.

Seamless Moves

For seamless moves, PECO's amended proposal allows eligible shopping customers to retain their current electric generation supplier (EGS) when moving within PECO's service territory, provided that the customer meets each of the following criteria:

- Move requests must come at least one day in advance of the requested transaction.
- Same-day or back-dated requests cannot be accepted.
- The customer must provide PECO with a disconnect date on the current account and a connect date for the new account.
- The disconnect date and connect date do not need to be the same, and in fact, the dates may overlap or have a gap between them. However, a seamless move will not be allowed for any overlapping service or gaps in service lasting more than three business days.
- There must be an active meter at the new premise when the customer calls to establish EGS service on the new account. If meter information is not available, such as with new construction, there will be insufficient information for a move transaction.
- For a seamless move to occur, the current account must be active at the time of the customer's request for service on the new account. If the current account is pending active (an account that is not currently active today, but is set to be active at a specified date in the future) or is inactive, a seamless move cannot occur. In addition, the new account must be in a pending active status in order to effectuate a seamless move.
- An EGS must be providing service on the customer's current account to be eligible for a seamless move. If the customer has chosen an EGS to serve the current account, but the EGS has not yet begun to provide service on that account, for whatever reason, the account will be ineligible for a seamless move.

² Investigation of Pennsylvania's Retail Electricity Market: End State of Default Service Final Order, Docket No. I-2011-2237952 (Order entered Feb. 15, 2013).

³ Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 57 Regulations Regarding Standards for Changing a Customer's Electricity Generation Supplier, Docket L-2014-2409383 (Order Entered April 3, 2014).

⁴ Secretarial Letter re: EDC plan filings for Seamless Moves and Instant Connects. Docket No. M-2014-2401127 (August 13, 2014).

⁵ Secretarial Letter re: EDC plan filings for Seamless Moves and Instant Connects. Docket No. M-2014-2401127 (March 20, 2015).

⁶ Tentative Order PECO Energy Company's Plan for Seamless Moves and Instant Connects. Docket No. M-2014-2401085. (Order Entered October 1, 2015).

⁷ See PECO Energy Company's Amended Plan for Accomplishing Seamless Moves and Instant Connects. Docket No. M-2014-2401085 (Filed October 8, 2015).

- Customers must seamlessly move within the same rate class and same procurement class as their current account. Only PECO's Residential and Small Commercial Procurement Classes (Classes 1 and 2) will be eligible for a seamless move. These Procurement Class categories are consistent with the structure of PECO's Standard Offer program. This comports with the recommendation of the EDEWG Stakeholder Subgroup and the request of the EGSs.

- Billing options on the customer's new account will also remain the same as the current account in a seamless move.

- At this time, only electric service is involved with seamless moves.

Further, PECO has revised its eligibility requirements to remove the requirement that a customer's account must be in "good standing." PECO notes that they were initially concerned that a customer with a delinquent balance might terminate service in one location and then use a seamless move or instant connect for a different account at the same or different location or under a different name to avoid the delinquency. However, PECO now agrees that there are processes in place to deal with these possibilities that do not involve supplier choice through seamless moves or instant connects.

PECO elaborates further on the process that they propose to perform seamless moves:

- PECO will inform the customer that the current EGS will seamlessly move to the new account.

- PECO will send new move transactions in batches to each EGS at the end of the day in which they were generated. In the move transaction, the EGS will receive information similar to what is currently provided in a change-request transaction, including customer name, service address and rate class. PECO will provide the EGS with: (i) the current account number; (ii) the new account number; and (iii) the service start date. In addition, the move transaction gives the EGS non-discretionary notice of the obligation to provide service on the new account.

- Once the move transaction has been sent to the EGS, the EGS will begin to serve the new account seamlessly as of the service start date.

PECO further notes, however, instances in which the seamless move could be terminated or voided after the move transaction is complete, resulting in PECO sending a drop notification to the EGS. These instances include where the customer:

- Voids or terminates the new account prior to the service start date;

- Requests to change the service start date on the new account to a date occurring in the past;

- Requests same-day connect service on the new account, after having previously chosen a service start at some future date; or

- Enrolls with a different EGS on the current account before the connection at the new account occurs.

Instant Connects

PECO notes that currently, they can accept an EGS enrollment only on active accounts. PECO accepts and incorporates into its proposed plan the recommendation of EDEWG to permit enrollments on pending active accounts. With this system change, customers will be able to select an EGS at the time they establish an account,

even if that account will become active at a future date (a pending active account). PECO's planned instant connect procedure provides:

- When a customer contacts PECO to request a new connection, PECO will provide the new account number to the customer.

- At that time, PECO will also provide the customer with information about EGS enrollment options.

- If the customer has already chosen an EGS, the customer will be directed to contact the EGS and provide the EGS with the customer's new account number.

- If the customer would like to choose an EGS, but has not yet done so, the PECO Customer Service Representative ("CSR") will provide the customer with information about PECO's Standard Offer Program (if still available) or direct the customer to the PaPowerSwitch website.

- Once the EGS has the requisite customer information, the EGS will submit an enrollment transaction to PECO, and the customer will be enrolled with the EGS under current practices. The critical difference is that the customer is able to effectuate that enrollment on a pending active account, so that EGS service becomes active when the account becomes active, thereby avoiding default service.

- PECO requires that the request must be received three-business days in advance in order to effectuate an instant connect. The three-business day notice is necessary to coordinate with PJM Interconnection, LLC. If the enrollment request is not received three-business days in advance of the connect date, the enrollment will follow the usual supplier switching rules.

Cost and Cost Recovery

PECO currently estimates the total cost to be approximately \$5.0 million, based on PECO's filed plan. PECO has included recovery for the costs of implementing seamless moves and instant connects in its currently pending base rate case.⁸

Timeline

PECO states that it is fully committed to implementing seamless moves and instant connects by July 1, 2016. PECO commits to keeping the Commission fully apprised of its progress. If any issues arise that might affect PECO's ability to comply with the target date for implementation, PECO will notify the Commission, describe the problems encountered, and lay out its plans to resolve those problems in a timely manner.

Comments

No parties filed comments in response to PECO's amended plan.

Resolution

Upon review of PECO's amended plan, we remain convinced that seamless moves and instant connects are important enhancements to the competitive electric market landscape. These two items are, from a customer's perspective, ordinary and expected capabilities that have been hindered by current EDC account handling processes and information systems. A customer should not have to obtain new supplier service simply because they moved locations within an EDC's service territory. It is reasonable for customers to expect that their supplier choice and contract be simply "ported" to their new location. Likewise, customers should be able to start new

⁸ *Pennsylvania Public Utility Commission v. PECO Energy Company—Electric Division*, Docket No. R-20152468981 (filed March 27, 2015).

service with a supplier without first receiving default service from the utility. The current system inappropriately elevates default service to a favored, primary service role. Instant connects will remove an unnecessary step and provide a market enhancement.

We find the elements of PECO's amended plan for implementing seamless moves and instant connects reasonable and in conformity with the October 1, 2015 Tentative Order. PECO has removed the eligibility requirement that a customer's account be "in good standing" and has included a 3-business-day limit on concurrent service or gaps in service for seamless moves.

With these safeguards, PECO's eligibility requirements should be sufficient to prevent customers from materially changing their contracts with EGSs simply by moving to a new location. We reiterate that these safeguards include limiting seamless moves to residential and small business accounts; requiring that the rate class remains unchanged; that the customer maintains the same supplier billing rate, billing option and tax exemption percentage; and that any gaps or overlap of service will be limited to 3 days. We are convinced that these robust safeguards should prevent a customer from significantly changing the characteristics of their service with an EGS as a result of a move to a new location.

In addition to the above safeguards, after a seamless move occurs, a supplier may still submit a drop if the supplier does not wish to serve the customer at a new location. We emphasize that an EGS that processes a customer drop in a seamless move environment must be doing so per the terms and conditions of their existing agreement with the customer. Ideally, this should be addressed under the cancellation provisions of the disclosure or contract the EGS has with the customer. Existing supply agreements should not be adversely impacted by implementation of seamless moves with all of the foregoing protections in place.

We also note that seamless moves will not be available until the second half of 2016. This should provide EGSs with time to consider these matters when entering into new contracts with new customers. To the extent that an EGS desires to expressly recognize the possibility of seamless moves in future contracts, an EGS may freely do so. In addition, EGSs may pursue modification of existing contracts, with customer agreement.

Concerning the implementation date for seamless moves and instant connects, in the Tentative Order we proposed an implementation date of September 30, 2016. However, in their amended plan, PECO has established an accelerated date of July 1, 2016. We will accept this modification.

As for cost recovery, we note that PECO, as stated in its amended plan, has already included these costs in their March 2015 rate filing, currently pending before the Commission.⁹ Accordingly, approval of this plan for seamless moves and instant connects does not constitute a determination that the associated costs or expenses are reasonable or prudent for the purposes of cost recovery. These issues will be addressed by the Commission as part of the rate filing.

Conclusion

Through this Final Order, the Commission approves PECO's amended plan filed on October 8, 2015 for implementing seamless moves and instant connects in its service territory by July 1, 2016.

⁹ *Pennsylvania Public Utility Commission v. PECO Energy Company—Electric Division*, Docket No. R-20152468981 (filed March 27, 2015).

Therefore,

It Is Ordered That:

1. PECO Energy Company's amended plan filed with the Commission on October 8, 2015 to implement seamless moves and instant connects in its service territory by July 1, 2016 is approved by this Order.

2. PECO Energy Company shall file with the Commission for its review and approval revised tariff supplements consistent with the terms of this Order at least 30 days prior to the availability of seamless move and instant connect functions within its service territory.

3. This Final Order be served on all jurisdictional Electric Distribution Companies, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the parties who filed comments at Docket No. M-2014-2401085.

4. The Secretary shall deposit a notice of this Final Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted on the Commission's website at the Office of Competitive Market Oversight's web page—http://www.puc.pa.gov/utility_industry/electricity/electric_competitive_market_oversight.aspx.

6. The Office of Competitive Market Oversight shall electronically serve a copy of this Final Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1991. Filed for public inspection November 6, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 23, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2015-2478034. Lock Haven Outfitters, LLC (2153 Island Road, Lock Haven, PA 17745) a limited liability company of the Commonwealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons in paratransit service, from points in Clinton County, to points in Pennsylvania with water access, and return.

A-2015-2490423. Executive Transportation Company, t/a Luxury Sedan Service (1167 Newport Mews Drive, Bensalem, PA 19020) a corporation of the Common-

wealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in Pennsylvania. *Attorney:* Michael S. Henry, Suite 650, Land Title Building, 100 South Broad Street, Philadelphia, PA 19145.

A-2015-2494106. Cruz Control Transportation, LLC (810 Richmond Street, Scranton, PA 18509) a limited liability company of the Commonwealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Lackawanna County, to casinos in Pennsylvania, and return.

A-2015-2505774. JPT Limo, LLC (1034 Twining Road, Dresher, Montgomery County, PA 19025) persons in limousine service, between points in Bucks, Delaware and Montgomery Counties.

A-2015-2507509. Care on Wheels Transportation (7801 Manor Street, Dearborn, Wayne County, Michigan 48126) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in Allegheny County, to points in Pennsylvania, and return.

A-2015-2507517. Grace Adult Day Health Care, Inc. (101 East Olney Avenue, Philadelphia, Philadelphia County, PA 19120) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Montgomery and Philadelphia, to points in Pennsylvania, and return.

A-2015-2507523. Lower Kiski Ambulance Services, Inc. (80 Kiski Avenue, Leechburg, Armstrong County, PA 15656) in paratransit service, between points in the Counties of Allegheny, Armstrong, Butler and Westmoreland.

A-2015-2507544. A Limo Car Service, LLC (69 Banbury Court, Holland, Bucks County, PA 18966) persons in limousine service, from points in Bucks County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2015-2508857. Scott A. Reid (4 Fox Ridge, Pequea, Lancaster County, PA 17565) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2015-2509331. Jordan Abromovitz t/a Limo Lynx (35 Highland Road, Suite 5411, Bethel Park, Allegheny County, PA 15102) for the right to begin to transport as a common carrier, by motor vehicle, persons limousine service, from points in the Counties of Allegheny, Butler and Washington, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2015-2509765. Deborah S. Crouse, t/a Giddy Up N Go (527 Malone Ridge Road, Washington, Washington County, PA 15301) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Allegheny, Fayette, Greene and Washington.

A-2015-2510158. Debora L. Cupec (216 Sandy Flat Road, Kittanning, Armstrong County, PA 16201) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Armstrong, Butler, Clarion, Indiana, Jefferson and Westmoreland, to points in Pennsylvania, and return.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-2015-2508483. Philly Car Service, Inc. (2212 South Carlisle Street, Philadelphia, PA 19145) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all rights authorized under the certificate issued at A-00109080 to Always Transportation, Inc., subject to the same limitations and conditions. *Attorney:* David Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2015-2509101. Kevin Smith Group, Inc. (130 West Main Street, Trappe, Montgomery County, PA 19436) in limousine service, which is to be a transfer of all rights authorized under the certificate issued at A-6414147 to Three Kings Transportation, LLC, subject to the same limitations and conditions.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2015-2507290. Champagne Limousine Service, Inc. (101 West Plainfield Avenue, Pen Argyl, PA 18072) for the additional right to begin to transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Northampton, Monroe, Lehigh and Carbon, and from points in said counties to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2015-2507315. Courtesy Transport, Inc. (P. O. Box 651, Reading, Berks County, PA 19607) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, persons in paratransit service between points in the City of Reading, Berks County, and from points in said city, to points in Pennsylvania, and return.

A-2015-2508376. Pranzare, LLC (2132 Ferncroft Lane, Chester Springs, Chester County, PA 19425) discontinuance of service and cancellation of its certificate, transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Township of Uwchlan, Chester County, and within an airline distance of 30 statute miles of the limits thereof.

A-2015-2509117. Montoursville Moving and Storage, Inc. (1401 Boyd Lane, Dauphin, Dauphin County, PA 17018) discontinuance of service and cancellation of its certificate:

To transport, as a class D carrier, household goods, in use, from points in the City of Wilkes-Barre, Luzerne County, and within 3 miles of the limits of said city, to other points in Pennsylvania, and vice versa.

To transport, as a class D carrier, household goods, in use, from points in the City of Pittston, Luzerne County, and within 3 miles of the limits of said city, excluding the Boroughs of Exeter and Wyoming, Luzerne County, to points in Pennsylvania, and vice versa.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1992. Filed for public inspection November 6, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 23, 2015, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Leahy Transportation, Inc., t/a Leahy Transportation; Docket No. C-2015-2502818

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Leahy Transportation, Inc., t/a Leahy Transportation, (respondent) is under suspension effective August 30, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P. O. Box 29152, Philadelphia, PA 19127.
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 27, 2013, at A-6415568.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public

Convenience held by respondent at A-6415568 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/9/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1993. Filed for public inspection November 6, 2015, 9:00 a.m.]

Water Distribution Assets

A-2015-2510212. The York Water Company. Application of The York Water Company for approval of the York Water Company to acquire the water distribution assets of the Crestview Mobile Home Park in York Township, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 23, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through

Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Hassell, Esquire, Devin T. Ryan, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1994. Filed for public inspection November 6, 2015, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Wilson Kanyagia Karago, RN, Respondent; File No. 13-51-12733; Doc. No. 0702-51-14

Notice to Wilson Kanyagia Karago, RN:

On May 1, 2014, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P. L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P. O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-1995. Filed for public inspection November 6, 2015, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from August 1, 2015, through August 31, 2015.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified.

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. EOG Resources, Inc., Pad ID: PHC 7H, ABR-20090722.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 1.9999 mgd; Approval Date: August 6, 2015.

2. Chevron Appalachia, LLC, Pad ID: Hutton Unit #1H, ABR-20090518.R1, Chest Township, Clearfield County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 11, 2015.

3. Chevron Appalachia, LLC, Pad ID: Lytle Unit Drilling Pad #1H, ABR-20100104.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 11, 2015.

4. Chevron Appalachia, LLC, Pad ID: Shannon Land & Mining Drilling Pad #1, ABR-20100628.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 11, 2015.

5. Chevron Appalachia, LLC, Pad ID: Snow Shoe 2, ABR-201011007.R1, Snow Shoe Township, Centre County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 11, 2015.

6. Chevron Appalachia, LLC, Pad ID: Snow Shoe 4, ABR-201011042.R1, Snow Shoe Township, Centre County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 11, 2015.

7. Chevron Appalachia, LLC, Pad ID: Smithmyer Drilling Pad #1, ABR-201101020.R1, Clearfield Township,

Cambria County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 11, 2015.

8. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 285 Pad G, ABR-201007002.R1, Grugan Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 13, 2015.

9. Anadarko E&P Onshore, LLC, Pad ID: Robert C Ulmer Pad A, ABR-201007049.R1, Watson Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 13, 2015.

10. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 343 Pad B, ABR-201007053.R1, Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 13, 2015.

11. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 285 Pad C, ABR-201007062.R1, Grugan Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 13, 2015.

12. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 290 Pad B, ABR-201008029.R1, McHenry Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 13, 2015.

13. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 289 Pad D, ABR-201008030.R1, McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 13, 2015.

14. EOG Resources, Inc., Pad ID: COP Pad C, ABR-201008027.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 14, 2015.

15. EOG Resources, Inc., Pad ID: COP Pad J, ABR-201009022.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 14, 2015.

16. EOG Resources, Inc., Pad ID: COP Pad N, ABR-201103001.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 14, 2015.

17. EOG Resources, Inc., Pad ID: COP Pad O, ABR-201103030.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 14, 2015.

18. Chief Oil & Gas, LLC, Pad ID: Curtin Drilling Pad #1, ABR-201012034.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 14, 2015.

19. SWEPI, LP, Pad ID: Barbine 292, ABR-20100614.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

20. SWEPI, LP, Pad ID: Erickson 423, ABR-20100618.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

21. SWEPI, LP, Pad ID: Hege 426, ABR-20100622.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

22. SWEPI, LP, Pad ID: Allen 620, ABR-20100623.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

23. SWEPI, LP, Pad ID: Hazelton 424, ABR-20100626.R1, Shippen Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

24. SWEPI, LP, Pad ID: Pierson 810, ABR-20100633.R1, Gains Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: August 14, 2015.

25. SWEPI, LP, Pad ID: Doan 893, ABR-20100670.R1, Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

26. Cabot Oil & Gas Corporation, Pad ID: KingD P1, ABR-201009010.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: August 14, 2015.

27. Cabot Oil & Gas Corporation, Pad ID: CosnerW P1, ABR-201009047.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: August 14, 2015.

28. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 356 Pad D, ABR-201007052.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

29. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 357 Pad B, ABR-201007072.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

30. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 356 Pad A, ABR-201007073.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

31. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 285 Pad E, ABR-201007074.R1, Grugan Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 14, 2015.

32. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 357 Pad A, ABR-201007075.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

33. Anadarko E&P Onshore, LLC, Pad ID: Clearview HC Pad A, ABR-201007076.R1, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

34. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 356 Pad I, ABR-201007114.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

35. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 356 Pad F, ABR-201007124.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

36. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 285 Pad F, ABR-201008007.R1, Chapman Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

37. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 285 Pad D, ABR-201008013.R1, Chapman Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

38. Anadarko E&P Onshore, LLC, Pad ID: Charles J. McNamee Pad B, ABR-201008016.R1, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

39. Anadarko E&P Onshore, LLC, Pad ID: Elbow Pad C, ABR-201008017.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

40. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 285 Pad H, ABR-201008018.R1, Chapman Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

41. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 344 Pad B, ABR-201008019.R1, Grugan Township, Clinton County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

42. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 356 Pad H, ABR-201008020.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

43. Anadarko E&P Onshore, LLC, Pad ID: Elbow Pad A, ABR-201008055.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

44. Anadarko E&P Onshore, LLC, Pad ID: Brian K. Frymire Pad A, ABR-201008056.R1, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 14, 2015.

45. Anadarko E&P Onshore, LLC, Pad ID: Ann M. Mercier Pad A, ABR-201007071.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 18, 2015.

46. SWEPI, LP, Pad ID: Shelman 291, ABR-20100659.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 18, 2015.

47. SWEPI, LP, Pad ID: Hauswirth 516, ABR-20100688.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 18, 2015.

48. SWEPI, LP, Pad ID: Martin 806, ABR-20100691.R1, Gaines Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: August 18, 2015.

49. Talisman Energy USA, Inc., Pad ID: Roy 03 046, ABR-20100629.R1, Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

50. Talisman Energy USA, Inc., Pad ID: Roy 03 040, ABR-20100650.R1, Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

51. Talisman Energy USA, Inc., Pad ID: Shedden 01 075, ABR-201007004.R1, Granville Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

52. Talisman Energy USA, Inc., Pad ID: Noble 03 029, ABR-201007011.R1, Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

53. Talisman Energy USA, Inc., Pad ID: Yurkanin 03 014, ABR-201007033.R1, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

54. Talisman Energy USA, Inc., Pad ID: McMurray 01 031, ABR-201007054.R1, Canton Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

55. Talisman Energy USA, Inc., Pad ID: 05 080 Young, ABR-201007080.R1, Warren Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

56. Talisman Energy USA, Inc., Pad ID: Thorp 03 049, ABR-201007082.R1, Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

57. Talisman Energy USA, Inc., Pad ID: Watson 03 051, ABR-201007084.R1, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

58. Talisman Energy USA, Inc., Pad ID: 05 006 Ugliuzza L, ABR-201007086.R1, Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

59. Talisman Energy USA, Inc., Pad ID: Cummings 01 081, ABR-201007088.R1, Troy Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

60. Talisman Energy USA, Inc., Pad ID: Kirkowski 01 066, ABR-201007091.R1, Canton Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

61. Talisman Energy USA, Inc., Pad ID: Feusner 03 044, ABR-201007094.R1, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

62. Talisman Energy USA, Inc., Pad ID: Feusner 03 045, ABR-201007095.R1, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

63. Talisman Energy USA, Inc., Pad ID: Walters 05 001, ABR-201007096.R1, Herrick Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

64. Talisman Energy USA, Inc., Pad ID: 05 004 Cooley P, ABR-201007099.R1, Orwell Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

65. Talisman Energy USA, Inc., Pad ID: 05 002 Warner Valley Farm LLC, ABR-201007130.R1, Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 18, 2015.

66. EOG Resources, Inc., Pad ID: PHC 23H/24H, ABR-20090917.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 24, 2015.

67. EOG Resources, Inc., Pad ID: PHC 28H/29H, ABR-20090918.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 24, 2015.

68. EOG Resources, Inc., Pad ID: PHC 20V, ABR-20100156.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 0.9990 mgd; Approval Date: August 24, 2015.

69. EOG Resources, Inc., Pad ID: PHC Pad S, ABR-201009023.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 24, 2015.

70. EOG Resources, Inc., Pad ID: PPHC Pad B, ABR-201103023.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 24, 2015.

71. EOG Resources, Inc., Pad ID: PHC Pad Z, ABR-201103024.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 24, 2015.

72. SWEPI, LP, Pad ID: Broadbent 466, ABR-20100673.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2015.

73. SWEPI, LP, Pad ID: Zeafra 747, ABR-20100682.R1, Jackson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2015.

74. SWEPI, LP, Pad ID: Camp Never Too Late 521, ABR-20100683.R1, Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2015.

75. SWEPI, LP, Pad ID: Cruttenden 846, ABR-20100685.R1, Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2015.

76. SWEPI, LP, Pad ID: Anthony 564, ABR-201006111.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2015.

77. SWEPI, LP, Pad ID: Costanzo 818, ABR-201006112.R1, Chatham Township, Tioga County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: August 24, 2015.

78. SWEPI, LP, Pad ID: Yaggie 704, ABR-201006113.R1, Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2015.

79. Anadarko E&P Onshore, LLC, Pad ID: Mac Pad A, ABR-201508001, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 26, 2015.

80. Anadarko E&P Onshore, LLC, Pad ID: Brooks Family Pad A, ABR-201508002, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 26, 2015.

81. Chesapeake Appalachia, LLC, Pad ID: Earnshaw, ABR-201508003, Mehoopany Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 26, 2015.

82. Cabot Oil & Gas Corporation, Pad ID: Teel P2, ABR-201508004, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: August 26, 2015.

83. SWEPI, LP, Pad ID: Gee 848W, ABR-201508005, Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 26, 2015.

84. EOG Resources, Inc., Pad ID: Ward M 1H, ABR-20090421.R1, Springfield Township, Bradford County, PA; Consumptive Use of Up to 1.9990 mgd; Approval Date: August 27, 2015.

85. EOG Resources, Inc., Pad ID: PHC 3H, ABR-20090424.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 0.4990 mgd; Approval Date: August 27, 2015.

86. EOG Resources, Inc., Pad ID: SGL 90A Pad, ABR-201008049.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 27, 2015.

87. EOG Resources, Inc., Pad ID: SGL 90D Pad, ABR-201103021.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 27, 2015.

88. Tenaska Resources, LLC, Pad ID: Wilcox #1, ABR-20090803.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 0.9999 mgd; Approval Date: August 27, 2015.

89. Tenaska Resources, LLC, Pad ID: Strange, ABR-20100404.R1, Sullivan Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 27, 2015.

90. Tenaska Resources, LLC, Pad ID: Golden Eagle, ABR-20100433.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 27, 2015.

91. Tenaska Resources, LLC, Pad ID: Chicken Hawk, ABR-20100434.R1, Sullivan Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 27, 2015.

92. Tenaska Resources, LLC, Pad ID: Sparrow Hawk, ABR-201009044.R1, Covington Township, Tioga County,

PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 27, 2015.

93. Tenaska Resources, LLC, Pad ID: Red Tailed Hawk, ABR-201011027.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 27, 2015.

94. EXCO Resources (PA), LLC, Pad ID: Dale Bower Drilling Pad #1, ABR-20100214.R1, Penn Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: August 28, 2015.

95. EXCO Resources (PA), LLC, Pad ID: Emig Drilling Pad #1, ABR-20100452.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 28, 2015.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 26, 2015.

ANDREW D. DEHOFF,
Executive Director

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