

# PENNSYLVANIA BULLETIN

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Department of Banking and Securities

Department of Community and Economic  
Development

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Department of Transportation

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Independent Regulatory Review Commission

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Pennsylvania Public Utility Commission

Philadelphia Parking Authority

Philadelphia Regional Port Authority

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State Board of Vehicle Manufacturers, Dealers  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 496, March 2016**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### LANCASTER COUNTY

#### Amendment of Local Rules; 16-01143

##### Order Pursuant to Pa.R.C.P. 239

*And Now*, this 10th day of February 2016, it is Ordered that the following Rules of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, are adopted or amended as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, except the amendment of Rules 206.4(c), 208.2(c), 208.3(a), 208.3(b), 1028(c), 1034(a) and 1035.2(a), which shall become effective upon the publication on the Unified Judicial System Web Portal (<http://ujsportal.pacourts.us>).

It Is Further Ordered that the District Court Administrator shall:

1. File a copy of this order and certified copy of the local rule changes with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) certified paper copies and one (1) computer diskette or CD-ROM copy which complies with 1 Pa. Code Section 13.11(b) containing the text of the local rule changes.

3. File one (1) certified copy of the local rule changes with the Supreme Court Civil Procedural Rules Committee.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Lancaster County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Lancaster County Court website at <http://www.court.co.lancaster.pa.us/135/Local-Rules-of-Court>.

*By the Court*

DENNIS E. REINAKER,  
*President Judge*

#### Rule 36. Assigned Judge.

The assigned judge is the judge who has been assigned by the Prothonotary when the action is filed, or who has been assigned by the President Judge.

Revised 2-10-16.

#### Rule 205.2(a). Physical Characteristics of Legal Papers.

Legal papers submitted to the Prothonotary shall comply with the following requirements:

- A. The first page shall set forth:
  1. The case caption.
  2. The case number.
  3. The name of the assigned judge, if applicable.

4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.

5. In medical malpractice actions, "MedMal" shall appear beneath the case number.

B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.

C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.

D. All originals shall be marked "ORIGINAL". Copies shall be marked "COPY".

E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.

F. Tabs shall be placed at the bottom of all exhibits and appendices.

G. The name of each person signing a legal paper shall be typed beneath the person's signature.

H. Briefs and memoranda shall be filed separately and not appended to other documents.

I. Verifications shall be dated.

J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:

1. The last four digits of the social security number of the taxpayer identification number;
2. The year of the individual's birth;
3. The last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

Revised 2-10-16.

#### Rule 206.4(c). Petition. Rule to Show Cause.

A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.

B. The petitioner shall attach to the petition a proposed order substantially in the following form:

##### ORDER

Upon consideration of the attached petition, it is hereby ordered that:

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested.
2. The respondent shall file an answer to the petition within twenty days of service.
3. The petition shall be decided under Pa.R.C.P. No. 206.7.
4. Discovery shall be completed within forty-five days of service of the answer.
5. The petitioner shall file a brief in support of the petition within twenty days after the discovery deadline. Any party opposing the petition shall file a responsive brief within ten days of service of the petitioner's brief.



The petitioner may file a reply brief within five business days of service of a responsive brief. After all briefs have been filed, the Prothonotary shall notify the assigned Judge and forward the file to chambers for disposition. Any party may request oral argument by filing a praecipe requesting it when filing their brief.

6. The petitioner shall provide notice of the entry of this Order to all parties.

BY THE COURT:  
 \_\_\_\_\_ J.  
 \_\_\_\_\_  
 DATE

C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.

D. When the petitioner requests a stay, the form of the order may be modified accordingly.

E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the Business Judge for entry of the Order.

F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the Business Judge. For such petitions, the Court shall not issue the rule to show cause unless:

1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or

2. It appears from the petition that there is an agreement of all affected parties; or

3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

Revised 2-10-16.

**Rule 206.7. Procedure After Issuance of Rule to Show Cause.**

If an answer is not filed, the petitioner may submit a proposed order and file a praecipe to assign the petition for disposition.

Revised 2-10-16.

**Rule 208.1. Motion. Definition. Scope.**

A. Motion means any application to Court for an order made in any action or proceeding that is not excluded by Pa.R.C.P. 208.1.

B. If the parties agree to the relief sought a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a prepared order and a praecipe to assign the stipulated matter for disposition.

Revised 2-10-16.

**Rule 208.2(c). Motion. Form. Content.**

A motion shall be in the form required by Pa.R.C.P. 208.2.

Revised 2-10-16.

**Rule 208.3(a). Alternative Procedures.**

A. *Praecipe for Assignment.* Any party may file a praecipe to forward the case to the assigned judge at the end of the briefing schedule set forth in Local Rule 208.3(b).

B. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time a brief is filed pursuant to Rule 208.3(b)A.

C. *Emergency Motions.* Emergency motions must be presented to the assigned judge, or in the assigned judge's absence the business judge who will advise the parties how to proceed.

Revised 2-10-16.

**Rule 208.3(b). Briefing Schedule.**

A. *Motion and Brief.* The moving party shall file a motion, proposed order and supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

B. *Responsive Brief.* Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

C. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of a responsive brief.

Revised 2-10-16.

**Rule 212.1. When an Action is at Issue.**

A. When an action is at issue the Prothonotary shall notify the assigned judge and forward the file to chambers.

An action is at issue as follows:

1. *Expedited track:* All Magisterial Judges and Arbitration appeals. Any case in the expedited track will be deemed at issue 120 days after the close of the pleadings.

2. *Standard track:* All other cases that are not in the expedited track. Any case in the standard track will be deemed at issue 180 days after the close of the pleadings.

3. *Complex track:* Cases will be considered complex if all parties agree or by order of Court. Any case in the complex track will be deemed at issue 365 days after the close of pleadings.

a. If all parties agree that the case is complex they shall file a certification signed by all parties and filed with the Prothonotary.

b. If the assigned judge deems that the case is complex an appropriate order shall be filed.

B. Absent compelling reasons, an action that is at issue must have all discovery completed, except for the exchange of expert reports.

C. When an action is at issue the trial judge shall give notice to the parties in conformance with Pa.R.C.P. 212.1(a). Thereafter the parties shall proceed in accordance with the time periods of Pa.R.C.P. 212.1(b).

Adopted 2-10-16.

**Rule 212.2. Pre-Trial Statement.**

The pre-trial statement shall be in the form prescribed by Pa.R.C.P. 212.2.

Adopted 2-10-16.

**Rule 212.3. Pre-Trial Conference.**

A pre-trial conference may be scheduled at the discretion of the assigned judge.

Adopted 2-10-16.

**Rule 225.1. Opening and Closing Statements.**

Plaintiff shall open first and close last, and Defendant shall open second and close first.

Revised 2-10-16.

**Rule 226. Points for Charge.**

Points for charge shall be submitted to the trial judge as directed by the certification order.

Revised 2-10-16.

**Rule 260. Trial List.**

When an action has been certified by the assigned judge as ready for trial the District Court Administrator shall place it on the trial list.

Revised 2-10-16.

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

A. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(2), (3) or (4).*

1. *Proposed Order.* All preliminary objections shall be accompanied by a proposed order.

2. *Stipulated Matters.* If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

3. *Brief.* The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.

4. *Responsive Brief.* If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief.

5. *Reply Brief.* The moving party may file a reply brief within five days after service of the responsive brief.

6. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

7. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time of the filing of their brief. Oral argument shall be denied or held at such time and place as the judge shall direct.

B. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).*

Any party filing preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

Revised 2-10-16.

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

A. *Proposed Order.* All motions shall be accompanied by a proposed order.

B. *Stipulated Matters.* If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. *Motion and Brief.* The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. *Responsive Brief.* Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief.

E. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

F. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

G. *Oral Argument.* Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be denied or held at such time and place as the judge shall direct.

Revised 2-10-16.

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

A. *Proposed Order.* All motions shall be accompanied by a proposed order.

B. *Stipulated Matters.* If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. *Motion and Brief.* The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party. *Responsive Brief.* Within thirty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

D. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

E. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

F. *Oral Argument.* Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be denied or held at such time and place as the judge shall direct.

Revised 2-10-16.

**Rule 1301. Compulsory Arbitration. Scope.**

A. All civil suits or actions, where the amount in controversy is \$50,000.00 or less, when at issue, shall first be submitted to arbitration.

B. This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00 or cases requiring equitable or declaratory relief.

C. A case is at issue 120 days after the filing of the answer.

D. When the case is at issue the Prothonotary shall notify the District Court Administrator.

Revised 2-10-16.

### Actions for Support

#### Rule 1910.11(a). Hearings Before the Court. Scheduling. Responsibilities of Counsel.

A. Upon motion of a party, the Court may approve a special listing. Upon approval, counsel shall contact the District Court Administrator to schedule a hearing. The scheduling shall not occur unless the District Court Administrator is notified of the Court's decision by counsel.

B. The scheduling of a special relief hearing must be approved by the assigned Judge.

Revised 2-10-16.

### Actions for Custody, Partial Custody and Visitation of Minor Children

#### Rule 1915.3. Commencement of Action. Complaint. Order. Service.

A. Except as provided in subdivisions F and G, all custody complaints shall be filed with the Prothonotary.

B. In addition to fees assessed for filing a complaint, an additional administrative fee shall be assessed by order of Court and shall be paid to the Prothonotary at the filing of the custody complaint.

C. When a custody claim is asserted in a divorce action, either party may request a date and time for a conference on the custody issue by filing an order with the complaint or with a motion. The administrative fee must be paid to the Prothonotary when the conference is requested.

D. After filing, all complaints or motions for conferences shall be forwarded to the District Court Administrator, who shall set the time, date and place for a custody conference.

E. The moving party shall serve the complaint and order or motion in accordance with the Pennsylvania Rules of Civil Procedure and shall file a proof of service.

F. Any complaint seeking custody of a child within the jurisdiction of the Juvenile Court pursuant to any proceeding under the Juvenile Act shall be presented to the assigned Judge who will determine how the matter will proceed.

G. Any complaint seeking custody of a child within the jurisdiction of the Orphans' Court pursuant to a petition for voluntarily relinquishment of parental rights, confirmation of consent to adoption, involuntary termination of parental rights or adoption shall be presented to the Orphans' Court Judge who will determine how the matter will proceed.

H. All filings requesting custody of a child shall contain a Criminal Record/Abuse History Verification in accordance with Rule 1915.3-1 and, if applicable a claim of paternity in accordance with Rule 1915.3(d).

Revised 2-10-16.

#### Rule 1915.3-2. Criminal Record/Abuse History Verification.

A. All filings requesting custody of a child shall include a Criminal Record/Abuse History Verification.

B. Initial evaluations may be conducted by custody conference officers for the following offenses:

1. A first offense DUI(s);
2. A first offense drug possession; and,
3. A first Indirect Criminal Contempt.

C. Those enumerated offenses on the Criminal Record/Abuse History Verification not contained in B. above, or those in B. above not resolved at the custody conference shall be scheduled before the assigned judge for a hearing pursuant to 23 Pa.C.S.A. § 5329.

Adopted 2-10-16.

#### Rule 1915.5(b). Custody Conference Officer. Conferences. Procedure.

A. The Court shall appoint members of the Lancaster County Bar or other appropriate persons as custody conference officers to conciliate custody cases filed with the Court and to recommend temporary custody orders.

B. All custody matters shall be scheduled for conference before a custody conference officer no sooner than ten days after the filing of a request for conference. All parties shall be present at such conference unless excused by the custody conference officer. Failure of a party to appear at the conference may result in the entry of a temporary or permanent order without information from that party.

B.1. The conference officer shall resolve any risk of harm issues in accordance with Rule 1915.3.H above.

C. A child shall not be brought to the conference except by order of Court. If a child, who is the subject of an action, attends a hearing or conference pursuant to Pa.R.C.P. No. 1915.11(c) or other rule, the party bringing the child shall be responsible for supplying a person to supervise the child while the parties are in the custody conference or in Court.

D. To facilitate conciliation and to encourage frank exchanges between the parties and their respective counsel, statements made by the parties at the custody conference shall be inadmissible as evidence at a later custody hearing. The custody conference officer shall not be a witness for or against any party at any subsequent custody hearing.

#### E. Post-conference Procedure

1. *Settled Case.* If an agreement is reached during the conference, the custody conference officer shall record the agreement on a memorandum of agreement form supplied by the Court. All parties shall sign the memorandum, and the custody conference officer shall prepare and present a proposed order to the assigned Family Court Judge. Any party who has not filed a certificate of completion for Focus on Children with the Prothonotary shall do so within sixty (60) days of the Order. If an agreement is reached within twenty four hours before a scheduled conference, the parties shall submit a stipulation signed by all parties and a proposed order to the custody conference officer, who shall submit them to the assigned Family Court Judge.

2. *Contested Case.* If the parties fail to reach an agreement before the conclusion of the custody conference, within ten days of the conference the custody conference officer shall submit to the assigned Family Court Judge a conference summary report and recommended temporary order. The recommendation may propose a follow-up custody conference with or without consent of the parties. The order will schedule a follow-up custody conference or a hearing.

#### F. Pre-trial Conference

1. *Scheduling.* Upon recommendation of a conference officer, a motion of counsel, or sua sponte by the Court, the Court may schedule a custody pre-trial conference.

2. Attendance. The conference shall be attended by each party or if a party is represented by counsel, then by counsel. Counsel, shall have authority to bind the client.

3. Preparation. The parties shall comply with Pa.R.C.P. 1915.4-4 and the parties or parties' counsel shall disclose to the Court any use of general or child protective services or any allegations of child abuse by a party or member of their household in accordance with 23 Pa.C.S. § 5329.1. At least five business days before the conference, counsel or the unrepresented party shall file a pre-trial statement containing:

- a. A concise statement of the issues and proposed resolution;
- b. A list of any contempt issue;
- c. A list of fact and expert witnesses, their relationship to the party along with their addresses;
- d. A statement by the party of the party's counsel that he or she has communicated with each listed witness;
- e. A list of exhibits;
- f. A list of deposition transcripts to be used in lieu of testimony and a statement of all known objections;
- g. A statement of stipulations sought;
- h. A statement of requests such as a special time for a witness, courtroom needs etc.; and,
- i. A proposed order setting forth the custody schedule requested by the party.

4. Any reports of experts and other proposed exhibits shall be included as part of the pre-trial statement served upon the other party or opposing counsel, but not included with the pretrial statement served upon the court. No exhibit containing private medical or psychological information shall be filed with the Prothonotary.

Revised 2-10-16.

**Rule 1915.15. Form of Order.**

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION LAW

\_\_\_\_\_,  
Plaintiff,  
v. \_\_\_\_\_, No.  
Defendant.

**ORDER**

You, \_\_\_\_\_, (Plaintiff) (Defendant), have been sued in Court to (OBTAIN) (MODIFY) (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following child/children: (names)

1. You are ordered to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_m. for a conciliation conference to be held in room number \_\_\_\_\_ before Custody Conference Officer \_\_\_\_\_.

2. Pending the custody conference:  
(Court selects option)

No temporary order is requested.

- The Court issues no temporary order.
- The custody Order \_\_\_\_\_ (date and reference No.) remains in effect.

With the following revisions (if applicable)

The Court enters the following Temporary Order:

**3. Required Education Seminar:**

a. All parties named in the caption of the case MUST participate in the custody education seminar approved by the Court at the time the custody action was filed.

b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.

c. Attendance at the custody education seminar will be verified by a certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee MUST be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the attached complaint or petition.

e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is www.co.lancaster.pa.us/Courts.

f. If you fail to attend the custody education seminar without being excused by order of Court, you WILL be subject to contempt proceedings.

4. If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

5. You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation) but no later than 30 days after service of the complaint or petition.

6. No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

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. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMA-

TION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

OFFICE OF THE DISTRICT COURT ADMINISTRATOR  
LANCASTER COUNTY COURTHOUSE  
50 NORTH DUKE STREET  
LANCASTER, PA 17608  
(717) 299-8041

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lancaster County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator. All arrangements must be made at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

JUDGE

DATE:

ATTEST:

Revised 2-10-16.

1915.15.1. Form of Criminal History Verification.

IN THE COURT OF COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

\_\_\_\_\_  
vs. \_\_\_\_\_ :  
: No. CI-  
:  
:

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date of Conviction, guilty plea, no contest plea, or pending charge</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date of Conviction, guilty plea, no contest plea, or pending charge</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

<i>Check all that apply</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date</i>
A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	_____	_____
Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another Jurisdiction	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date</i>
Involvement with Children & Youth Agency or similar agency in Pennsylvania or another Jurisdiction	<input type="checkbox"/>	_____	_____
Where? _____	<input type="checkbox"/>	_____	_____
Other: _____	<input type="checkbox"/>	_____	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

\_\_\_\_\_

\_\_\_\_\_

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

\_\_\_\_\_

\_\_\_\_\_

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

\_\_\_\_\_

\_\_\_\_\_

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

Dated: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Adopted 2-10-16.

**Actions for Divorce or Annulment of Marriage**

**Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.**

A. *Master's Authority.* A master shall hear claims in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, in an action for annulment and in claims for alimony, equitable distribution of marital property, counsel fees, costs and expenses.

B. *Filing Fees and Costs.* The party filing a Motion to Appoint Master pursuant to this rule shall pay the sum required by the Prothonotary's fee bill, in addition to any normal filing fees. This sum is not refundable. If a hearing requires more than one-half day, an additional fee will be due for each one-half day or part thereof and paid for as directed by the Divorce Master.

C. *Motion for the Appointment of a Master.* Once a party has complied with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), a party may file a motion and proposed Order to Appoint Master. The motion and proposed order shall be in conformity with Pa.R.C.P. No. 1920.74 and L.C.R.C.P. No. 1920.74.

D. *Actions Not Requiring a Hearing or a Master.* In the following cases, neither a master nor a hearing will be required:

1. No hearing will be required in an action which is filed under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and in which an agreement is to

be incorporated into the divorce decree relative to claims for equitable distribution, alimony, counsel fees, costs and expenses. Instead, the master shall review the record and file a recommendation with the Court within twenty days after receipt of the record.

2. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(ii), no master will be appointed where a divorce action contains a claim for divorce under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and there are no claims for equitable distribution, alimony, counsel fees, costs and expenses or there are no other factual disputes and there is no agreement to be incorporated into the divorce decree. Instead, after all pleadings and other documents have been filed, either party may file with the Prothonotary a praecipe in the form prescribed by Pa.R.C.P. No. 1920.73, and the Prothonotary shall transmit the record to the Court, which shall review the record and enter an appropriate decree.

E. *Hearing Pursuant to Local Rule.* In all other actions for divorce in which there are no claims for alimony, counsel fees, costs, expenses, or equitable distribution or if all such claims have been resolved by an agreement which is to be made a part of the Court order, the master may conduct a hearing in the manner set forth in Paragraph M.

F. *Hearing Pursuant to Pa.R.C.P. No. 1920.53.* In all other cases, the master shall take testimony and file a

report which complies with the requirements of Pa.R.C.P. No. 1920.53.

G. *Special Relief Hearings.* Any request for a special relief hearing is subject to approval by the assigned Family Court Judge.

H. *Telephonic Conference before Pre-hearing Conference.* There shall be a telephonic conference between the parties and the master before any pre-hearing conference to discuss the status of discovery, the need for appraisals, general issues and the scheduling of a pre-hearing conference by the master.

I. *Pre-hearing Conferences and Pre-trial Statements.* Pre-hearing conferences shall be held in a Court facility designated by the District Court Administrator. Each party shall attend the pre-trial conference prepared to stipulate to items not in dispute. The master shall have the discretion to require the attendance of the parties, if necessary. Clients shall be consulted by counsel in advance of the pre-hearing conference as to authority respecting stipulations as to items not in dispute and settlement, including definite maximum or minimum limits, as appropriate, and regarding such other questions as may reasonably be anticipated to be relevant. The parties shall also prepare and furnish to the master and other party, at least five business days prior to the date scheduled for conference, a pre-trial statement as described in Pa.R.C.P. No. 1920.33(b). At the hearing, the parties will be limited to those witnesses, exhibits and documents set forth in their pre-trial report unless:

1. All parties affected by any changes agree in a writing which shall be filed with the Court.

2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the master and by serving the other party with a supplemental pre-trial statement. A proof of service shall be filed with the supplemental pre-trial report pursuant to Local Rule 440.

3. Supplemental pre-trial statements will be liberally received by the master, absent a showing of failure to give prompt notice, undue inconvenience, expense or prejudice. Any objections shall be ruled on by the master or the Court. If no pre-hearing conference is required by the master, a pre-trial statement, as set forth herein, shall be furnished to the master and opposing party at least five business days before the hearing.

J. *Scheduling and Notice of Hearing.* The master shall give at least twenty days written notice of the time and place of the hearing to all parties unless waived in writing by all parties. All hearings shall be held in a facility designated by the District Court Administrator.

K. *Evidence in Uncontested Cases.* A plaintiff who believes the action will be uncontested shall submit to the master at the hearing the following:

1. Plaintiff's Record of Testimony in question and answer or narrative form, signed and verified by plaintiff;

2. The testimony of each of plaintiff's witnesses, in question and answer or narrative form, signed and verified by the witness; and

3. Any exhibits identified in the testimony.

L. *Uncontested Hearings Using Plaintiff's Record of Testimony.* The master shall conduct the hearing in an uncontested hearing as follows:

1. The plaintiff and all witnesses whose evidence has been prepared in advance shall attend the hearing, and shall swear to or affirm their prerecorded evidence.

2. The master may examine the plaintiff and the witnesses with respect to the evidence prepared in advance in order to evaluate the credibility of those offering pre-recorded evidence, and, to this end, may interrogate the plaintiff and the witnesses as to any relevant matters, including any post-nuptial agreement, whether or not included in the prepared Record of Testimony,

3. The master, upon being satisfied that the Plaintiffs Record of Testimony is credible evidence, shall accept it and include it in the report in lieu of findings on the merits, provided, however, that, in the report, the master certifies:

a. That, at the hearing, the plaintiff and the witnesses offering pre-recorded testimony were placed under oath or affirmation and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff's Record of Testimony; and

b. That no witness, who was sworn or affirmed, presented testimony or evidence to the contrary of the facts set forth in such Record of Testimony.

M. *Master's Report in Uncontested Cases.* After the hearing wherein the Plaintiff's Record of Testimony has been accepted, the master shall prepare and file the report together with a recommendation in accordance with Pa.R.C.P. No. 1920.53.

N. *Master's Status Report if Filing Not Timely.* Masters shall submit a status report to the Court and the parties if the report is not timely filed.

Revised 2-10-16.

### Rule 1931. Family Court Rules.

A. Family Court motions and petitions for special relief or other contested matters or Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or, for urgent matters, to the assigned judge by appointment. A copy of the motion or petition with proposed Order, as well as notice of when and where it will be presented, must be provided to all parties at least five days before presentation to the Court. A certificate of service of the proposed Order, notice of presentation, and the motion or petition must be attached.

B. The notice of presentation required by Local Rule 1931 shall be directed to the respondent(s) to the motion or petition and shall be in substantially the following form:

[Caption]

#### NOTICE OF FAMILY BUSINESS COURT PRESENTATION

To: [Name of Respondent]

You are hereby notified that the attached [Petition or motion] and the preceding proposed Order will be presented in Family Business Court before the Honorable Judge [Name of judge] on [Date] at [Time] in Courtroom Number [ ] of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania 17602.

You may appear in person or by a lawyer at the time and place set forth.



Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached [Petition or motion] in the form of the preceding proposed Order, or other relief, without further notice to you.

\_\_\_\_\_[Name of Movant or Petitioner]  
 \_\_\_\_\_[Attorney for Movant or Petitioner]

C. The document shall be assembled so that the proposed Order is on top, followed by the notice of presentation, next by the petition or motion with any supporting exhibits, next by the verification, and finally by the certificate of service.

D. Prior to presentation to Court, any motion or petition must be filed with the Prothonotary.

Revised 2-10-16.

[Pa.B. Doc. No. 16-363. Filed for public inspection March 4, 2016, 9:00 a.m.]

## NORTHUMBERLAND COUNTY

### Certification of Conduct of Custody Proceedings; Administrative Doc. No. 16-1

#### Amended Administrative Order

*And Now*, this 12th day of February, 2016, I hereby certify that Northumberland County conducts its custody proceedings in accordance with Pa.R.C.P. No. 1915.4.3, effective thirty days after publication of the revised local custody rules in the *Pennsylvania Bulletin*.

*By the Court*

CHARLES H. SAYLOR,  
President Judge

[Pa.B. Doc. No. 16-364. Filed for public inspection March 4, 2016, 9:00 a.m.]

## NORTHUMBERLAND COUNTY

### Local Rules of Civil Procedure; Misc. Doc. 2016-15

#### Amended Order Pursuant to Pa.R.C.P. 239

*And Now*, this 12th day of February, 2016, it is hereby *Ordered* that the following local rules are adopted, replacing all existing local rules, practice and procedure (NCV-1915.3-1 through NCV-1920.13), governing custody matters filed in Northumberland County, Pennsylvania, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Deputy District Court Administrator is directly hereby to carry out the requirements of Pa.R.C.P. 239:

(1) File a certified copy of the local rules with the Administrative Office of Pennsylvania Courts.

(2) File this Order and text of the new rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* by submitting two (2) certified paper copies and one (1) computer diskette or CD-ROM copy which complies with 1 Pa. Code § 13.11(b).

(3) File one (1) certified copy of the local rule with the Domestic Relations Procedural Rules Committee.

(4) Arrange to have the local rules continuously available for public inspection in the office of the Northumberland County Prothonotary, the law library, the office of the Custody Conference Officer, and published on the county's web site.

*By the Court*

CHARLES H. SAYLOR,  
President Judge

### Actions for Custody, Partial Custody and Visitation of Minor Children

#### Rule NCV-1915.1. Scope.

These local rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody matters, Pa.R.C.P. 1915.1 et seq. Northumberland County conducts custody proceedings generally in accord with Pa.R.C.P. 1915.4-3.

#### Rule NCV-1915.3.

##### (a) *Commencement of Custody Actions*

1. Upon receipt of a custody complaint or a divorce complaint which contains a custody count, the Custody Conference Officer shall set the date, time and place of the initial conference and file a scheduling order with the Prothonotary.

2. Plaintiff(s) shall serve the complaint (if not delivered to the Sheriff) and the scheduling order upon Defendant(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file a certificate of service with the Prothonotary before or on the date of the scheduled conference.

##### (b) *Subsequent actions (Petitions for Modification or Contempt).*

1. In the event there is an existing Order for custody, partial custody, or visitation, any Petition for Contempt or Petition for Modification of Custody shall be filed to the same term and number as the previously entered Order. In addition to the filing fees assessed, an administrative fee for the use of the court of \$50.00 shall be paid to the Prothonotary at the time of filing a petition for modification of a custody order or a petition for contempt of a custody order.

2. Upon receipt of a Petition for Modification or Petition for Contempt, the Custody Conference Officer shall set the date, time and place of an initial conference and file a scheduling order with the Prothonotary.

3. The Petitioner(s) shall serve the petition for modification or contempt and the scheduling order upon the Respondent(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file a certificate of service with the Prothonotary before or on the date of the scheduled conference.

4. A copy of the most recent custody order shall be attached to the petition for modification or contempt.

(c) All parties in a contested custody case may be required to attend and complete the Kids First program, and each such party is required to pay the required fee for the program.

(d) Parties may also avail themselves of the services of the Susquehanna Valley Mediation Service upon their own arrangements.

**Rule 1915.4-3. Custody Conference Officer.**

(a) The Custody Conference Officer appointed by the Court shall meet with the parties and their counsel, if any, with a goal of mediating the differences between the parties, encourage an amicable resolution of their differences and, if appropriate, refer the parties to counseling or other services which may assist the parties and the minor child or children.

(b) At the conference the Custody Conference Officer shall ascertain the respective positions of the parties and, if necessary, receive testimony from the parties, documentary evidence, medical and other records, and wherever appropriate, statements from the minor children involved in the matter.

(c) To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in any custody hearing before the court. The Custody Conference Officer shall not be a witness for or against any party in a custody hearing before the court or in any other proceeding whatsoever absent a court order.

(d) If the parties are able to reach an agreement during the conference resolving all of the issues raised, the Custody Conference Officer shall prepare an order memorializing the agreement, to be forwarded to the court for review. If approved, the order shall be filed with the Prothonotary and copies distributed to counsel, or to any unrepresented party.

(e) If the parties are unable to reach an agreement during the conference, the Custody Conference Officer shall prepare a Conference Summary Report setting forth the facts ascertained from the conference and outline the issues for resolution by the court. The Conference Summary Report shall be filed with the Prothonotary and copies shall be distributed by the Custody Conference Office to all parties. Whenever necessary, the court may enter an interim order after review of the Conference Summary Report.

(f) Any matters not agreed upon at the conference is subject to review at a custody hearing before the court. The Custody Conference Officer may schedule a pretrial conference in an initial custody or modification proceeding before a judge, or a party may file a praecipe for a pretrial conference before a judge, in accordance with Pa.R.C.P. 1915.4-4.

**Rule 1915.13.1. Petition for Special Relief. Ex Parte Hearing and Temporary Order.**

A. Where a party believes there is an immediate clear and present danger to the child(ren), or an emergency requiring immediate court action, that party may file a petition for special relief. The petition for special relief must be presented as a separate document headed "Petition for Special Relief." The petition shall conform to the requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).

B. Upon filing the petition for special relief, the Custody Conference Officer or the court may conduct an immediate ex parte proceeding, which shall be held within two (2) business days of the presentation of the petition to the court;

C. After the ex parte proceeding, the Custody Conference Officer may forward to the court a summary report. The Court will review the Petition and Report and determine if ex parte relief is warranted, and schedule a hearing to be held within 10 days of the ex parte order.

D. Prior to the hearing before the Court, the petition for emergency custody relief and any temporary emergency order containing notice of the 10-day hearing shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to an attorney whom the petitioning party reasonably believes may represent the interests of the other party.

[Pa.B. Doc. No. 16-365. Filed for public inspection March 4, 2016, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

### PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CH. 1017 ]

#### Safety Camera Requirements

The Philadelphia Parking Authority (Authority), on June 25, 2015, adopted a proposed rulemaking order regarding taxicab safety cameras.

*Final Rulemaking Order Taxicab Safety Cameras;  
Doc. No. 126-12*

#### Final Rulemaking Order

*By the Authority:*

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.<sup>1</sup> The purpose of the final-form rulemaking is to revise the current taxicab safety camera regulation to assure more rapid compliance. The Authority issued a proposed regulation at this docket number on June 25, 2015. The initial public comment period for this rulemaking proceeding concluded on October 19, 2015. The Independent Regulatory Review Commission (“IRRC”) confirmed by letter dated November 18, 2015 to the Authority that it would not comment on the proposed regulation. The Authority has completed its review of the comments and now issues the final-form regulation.

#### *Purpose of the Final-Form Regulation*

As provided in Section 1017.71, safety cameras were to begin appearing in taxicabs in Philadelphia earlier this year. The most challenging part of the implementation of the safety camera regulation has been related to the transmission of images from the taxicab to the Authority and dispatcher. The regulation provides that the images will only be transmitted upon the activation of the panic button already in the taxicab. However, the need to maintain a separate data plan, the technical capacity of vendors and the assertion of specious constitutional violations have slowed the advance of this vital program.

The Authority has received repeated requests for delays and modifications of the camera system from medallion owners, taxicab drivers and dispatchers, primarily focused on the image transmission requirement. The final-form regulation will remove the transmission requirement.

#### *Discussion*

The Authority has reviewed the public comments to the proposed regulation and provides the following necessary responses. IRRC did not submit comments.

#### *§ 1017.74. Safety camera requirements.*

The regulation will amend Section 1017.74 by deleting subsection (h) to eliminate the requirement that the safety cameras transmit images to the taxicab’s dispatcher and the Authority in the event the taxicab’s distress button is depressed.

On October 1, 2015, Pennsylvania Taxi Association, (“PATA”) submitted comments to the proposed regulation. Those comments noted support for safety cameras and an

interest in eliminating a regulation that requires taxicabs to operate with safety partitions between the driver and the passenger(s). This regulation does not seek to modify the existing regulation related to taxicab partitions.

On October 16, 2015, the Philadelphia Taxi Association, Inc. (“PTA”) submitted comments to the proposed regulation. PTA’s comments do not address the proposed regulation, which eliminates the image transmission requirement from the existing taxicab safety camera regulation. PTA’s comments challenge the propriety of the overall safety camera regulations, which is not the subject of the proposed rulemaking order or the final-form regulation.

On October 23, 2015, PATA filed additional comments, although after the public comment period had expired on October 19, 2015. PATA’s comments incorporate an order from the Pennsylvania Commonwealth Court dated June 3, 2015 denying the Authority’s motion to dismiss an action on the pleadings in a claim filed by some taxicab owners regarding parts of the safety camera regulation. (*Black Point Taxi, v Phila. Parking Authority*, 76 M.D. (2015)). The order referenced by PATA does not relate to the proposed regulation.

#### *Affected Parties*

The regulation will affect taxicab owners, drivers and those who travel in taxicabs.

#### *Fiscal Impact*

The final-form regulation will have no fiscal impact or increase any paperwork obligation as to any party, the Commonwealth, any political subdivisions, private sector person or the general public.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 6, 2015, the Authority submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 5684 (September 19, 2015), to IRRC and the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 20, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective January 20, 2016.

#### *Effective Date and Conclusion*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. Accordingly, under sections 13 and 17 of the Act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d)(17), (23) and (24) of the Parking Authorities Act (act of June 19, 2001) (P. L. 287, No. 22) (53 Pa.C.S. § 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5;

<sup>1</sup> The act of July 16, 2004, (P. L. 758, No. 94), 53 Pa.C.S. §§ 5701 et. seq., as amended, (the “act”).

section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234 the Authority adopts the final regulations; *Therefore,*

*It Is Ordered That:*

1. The regulations of the Authority, 52 Pa. Code Chapter 1017, are amended by amending § 1017.74 to read as set forth at 45 Pa.B. 5684.

2. The Executive Director shall cause this order and 45 Pa.B. 5684 to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and 45 Pa.B. 5684 to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by IRRC.

4. The Executive Director shall cause this order and 45 Pa.B. 5684 to be submitted for review by the Governor's Budget Office for review of fiscal impact.

5. The Executive Director shall cause this order and 45 Pa.B. 5684 to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. The Executive Director shall serve copies of this order and 45 Pa.B. 5684 upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.

7. The final-form regulation shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this rulemaking is Dennis G. Weldon, Jr., General Counsel, (215) 683-9630.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

*(Editor's Note: See 46 Pa.B. 729 (February 6, 2016) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 126-12 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 16-366. Filed for public inspection March 4, 2016, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 93 ]

### Water Quality Standards; Class A Stream Redesignations

The Environmental Quality Board (Board) proposes to amend §§ 93.9a, 93.9c, 93.9d, 93.9e, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q and 93.9t to read as set forth in Annex A. The proposed rulemaking fulfills the Commonwealth's obligations under State and Federal law to review and revise, as necessary, water quality standards that are protective of surface waters.

This proposed rulemaking was adopted by the Board at its meeting of November 17, 2015.

#### A. *Effective Date*

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Rodney Kime, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board (EQB)").

#### C. *Statutory and Regulatory Authority*

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

#### D. *Background and Purpose*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMP)) on individual sources of pollution. Section 303(c)(1) of the Federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. Water quality standards include designated uses, numeric and narrative criteria, and antidegradation requirements for surface waters. These proposed amendments are the result of stream evaluations conducted by the Department.

The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Requests for consideration may also be initiated by other agencies. Members of the public may submit a rulemaking petition to the Board. These proposed amendments are the result of stream evaluations conducted by the Department in response to a submittal of data from the Fish and Boat Commission (FBC) under § 93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this proposed rulemaking, redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the FBC, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The FBC published notice and requested comments on the Class A designation of these streams. The Commissioners of the FBC approved these waters after public notice and comment.

The Department considers candidates for HQ or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality, and permitted activities shall ensure the protection of designated and existing uses. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in § 93.3 (relating to protected water uses). Examples of water uses protected include Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF prior to a rulemaking. Once the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

#### E. *Summary of Regulatory Requirements*

Department staff conducted an independent review of the trout biomass data in the FBC's fisheries management reports for streams throughout this Commonwealth. This review was conducted to ensure that the HQ criteria were met. The Department gave notice in the *Pennsylvania Bulletin* and on its web site that an evaluation was to

be conducted on all or portions of the subject streams to determine the proper Aquatic Life Use or Special Protection designations in the Commonwealth's Water Quality Standards. Persons who had technical data concerning the water quality, instream habitat or biological conditions of these stream sections were encouraged to make the data available to the Department for consideration in the assessment. Potentially affected municipalities were also notified by letter of the stream evaluations and asked to provide any readily available data. No data or comments were received in response to these notices.

The affected municipalities, county planning commissions, County Conservation Districts and other State agencies were later notified of the availability of a draft evaluation report for their review and comment. Six stakeholders offered comments during the 45-day comment period, three in support and three in opposition.

The draft stream evaluation report was also made available on the Department's web site and offered an opportunity for 30-day public review and comment.

All data and comments received in response to these notifications were considered in the determination of the Department's recommendations.

Copies of the Department's stream evaluation report for these waterbodies are available on the Department's web site or from the contact persons listed in Section B of this preamble. Copies of the FBC fisheries management reports for these streams are available from Rodney Kime, whose address and telephone number are listed in Section B of this preamble. The data and information collected on these waterbodies support the Board's proposed rulemaking as set forth in Annex A.

During the Department's review of stream data, it discovered listing errors in § 93.9. First, the Board is proposing to correct an error in § 93.9d (relating to Drainage List D). The listing in § 93.9d for a very short segment of Pohopoco Creek main stem which extends from the mouth of Middle Creek to the SR 209 bridge at Kresgeville says that it is HQ-CWF, MF and it also incorrectly states that the same segment is CWF, MF. The correct designation for this portion of Pohopoco Creek is HQ-CWF, MF based on its current classification by the FBC, and the Department's review of the data, as a Class A Wild Trout Water.

Second, the Board is proposing to correct an error in § 93.9k (relating to Drainage List K). Portions of Little Nescopeck Creek (above State Route 309) and Creasy Creek were included with the data submittal from the FBC. However, these portions of the upper Nescopeck Creek basin are already designated HQ-CWF, MF; therefore, a change is not necessary. The entire upper Nescopeck Creek basin above State Route 309 Bridge is HQ-CWF, MF according to the first entry for the Nescopeck Creek in § 93.9k. This entry designates the main stem of the Nescopeck Creek and all of its tributaries upstream of SR 309 as HQ-CWF, MF. When reviewing the drainage list, the Department discovered duplicative listings for Creasy Creek, Little Nescopeck Creek and Oley Creek which are improperly located below the SR 309 bridge in § 93.9k. The listing errors for Creasy, Little Nescopeck and Oley Creeks should be corrected because their mouths are actually geographically located upstream of the SR 309 bridge and, therefore, should have the HQ designated use.

The Board is also proposing to correct some stream names as they appear in § 93.9k. The United States

Geologic Survey maintains the National Hydrography Dataset (NHD) Flowline. The stream nomenclature and the fluvial geomorphology given in the *Pennsylvania Code* are governed by the NHD Flowline. These corrections are being proposed to maintain consistency between the *Pennsylvania Code* and the NHD Flowline. The NHD Flowline now recognizes some portions of the upper Wapwallopen Creek basin as Balliet Run and some of the lower portions of the Wapwallopen Creek are now Big Wapwallopen Creek.

Finally, the Board is proposing that all references to river mile indexes (RMI) in this proposed rulemaking are to be converted to a set of coordinates (latitude and longitude), with the eventual goal to be the conversion of all RMIs in the drainage lists in §§ 93.9a–93.9z to the coordinate system. Department staff recognizes the RMI system to be antiquated. When determining the RMI, it is possible to derive differing RMIs depending on the technique used. It is easy to consistently determine the latitude and longitude along any point of a stream or river while an individual is in the field with a hand-held GPS unit or using a GIS software application (the Department standard projected coordinate system is PA\_Albers\_Equal\_Area\_Conic; and the geographic coordinate system is North American Datum 1983 or NAD 1983). It is very difficult to determine the RMI while in the field. Referring to the latitude and longitude will make it much easier for the regulated community to apply the zone description in § 93.9 to their particular project and determine whether their project discharges within the referenced stream zone.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

Overall, the Commonwealth, its citizens and natural resources will benefit from this proposed rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of a clean water supply for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing (also for consumption), water contact sports and boating; and aquatic life protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

##### *Compliance costs*

The proposed amendments to Chapter 93 (relating to water quality standards) may impose additional compliance costs on the regulated community. This proposed rulemaking is necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

The proposed redesignations will be implemented through the Department's permit and approval actions. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment or BMPs to meet the designated and existing uses of the stream. For example, these increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in

relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and BMPs may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

#### *Compliance Assistance Plan*

This proposed rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. The proposed amendments are consistent with and based on existing Department regulations. The proposed amendments extend additional protection to selected waterbodies that exhibit high water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1388) and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the uses of the stream. These permit conditions are established to assure water quality is protected and maintained. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality.

#### *Paperwork requirements*

This proposed rulemaking should not have new direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. This proposed rulemaking is based on existing Department regulations and simply mirrors the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ waters, and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ waters.

#### *G. Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently

achieve or move beyond compliance. This proposed rulemaking has incorporated the following pollution prevention incentives.

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives must be evaluated and are required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil. In addition, if no environmentally sound and cost-effective alternatives are available, discharges must be nondegrading except when in accordance with § 93.4c(b)(1)(iii).

#### *H. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 23, 2016, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *J. Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by April 11, 2016. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by April 11, 2016. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

*K. Public Hearings*

If sufficient interest is generated as a result of this proposed rulemaking, a public hearing will be scheduled at an appropriate location to receive additional comments.

JOHN QUIGLEY,  
*Chairperson*

**Fiscal Note:** 7-528. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

**§ 93.9a. Drainage List A.**

Delaware River Basin in Pennsylvania  
*Delaware River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Delaware River				
2—West Branch Delaware River (NY)				
3—Unnamed Tributaries to West Branch Delaware River	Basins (all sections in PA)[ , <b>Source to PA-NY State Border</b> ]	Wayne	HQ-CWF, MF	None
3—Sherman Creek	Basin (all sections in PA)[ , <b>Source to Starboard Creek</b> ]	Wayne	HQ-CWF, MF	None
[ 4—Starboard Creek	<b>Basin (all sections in PA)</b>	<b>Wayne</b>	<b>CWF, MF</b>	<b>None</b>
3—Sherman Creek	<b>Basin (all sections in PA), Starboard Creek to PA-NY State Border</b>	<b>Wayne</b>	<b>CWF, MF</b>	<b>None</b>
3—Sherman Creek (NY)				
4—UNTs to Sherman Creek	<b>Basins (all sections in PA), PA-NY State Border to Mouth</b>	<b>Wayne</b>	<b>CWF, MF</b>	<b>None ]</b>
2—West Branch Delaware River	Main Stem, PA-NY State Border to Confluence with East Branch	Wayne	CWF, MF	See DRBC regulations—Water Quality Zone 1A
	* * * * *			

**§ 93.9c. Drainage List C.**

Delaware River Basin in Pennsylvania  
*Delaware River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—West Fork Martins Creek	Basin, Source to Confluence with East Fork	Northampton	CWF, MF	None



<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Martins Creek	Main Stem, Confluence of East and West Forks to [ <b>Mouth</b> ] <b>UNT 63237 at 40°47'36.9"N; 75°11'32.0"W</b>	Northampton	TSF, MF	None
3—UNTs to Martins Creek	Basins, Confluence of East and West Forks to Mouth * * * *	Northampton	TSF, MF	None
3—Waltz Creek	Basin, Greenwalk Creek to Mouth	Northampton	HQ-CWF, MF	None
<b>2—Martins Creek</b>	<b>Main Stem, UNT 63237 to Mouth</b>	<b>Northampton</b>	<b>HQ-CWF, MF</b>	<b>None</b>
3—Little Martins Creek	Basin * * * *	Northampton	CWF, MF	None

§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania  
*Lehigh River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF, MF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to [ <b>SR 0209</b> ] <b>US 209</b> Bridge at Kresgeville at <b>40°53'51.0"N; 75°30'8.8"W</b>	Monroe	HQ-CWF, MF	None
4—Unnamed Tributaries to Pohopoco Creek	Basins, SR 3016 Bridge to [ <b>SR 0209</b> ] <b>US 209</b> Bridge at Kresgeville	Monroe	CWF, MF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF, MF	None
4—Weir Creek	Basin	Monroe	CWF, MF	None
4—Middle Creek	Basin, Source to [ <b>T-444</b> ] <b>T 444</b> Bridge	Monroe	CWF, MF	None
4—Middle Creek	Basin, [ <b>T-444</b> ] <b>T 444</b> Bridge to Mouth	Monroe	HQ-CWF, MF	None
3—Pohopoco Creek	Basin, [ <b>Middle Creek</b> ] <b>US 209 Bridge at Kresgeville</b> to Wild Creek	Carbon	CWF, MF	None
4—Wild Creek	Basin	Carbon	EV, MF	None
3—Pohopoco Creek	Basin, Wild Creek to Mouth * * * *	Carbon	CWF, MF	None
3—Aquashicola Creek	Basin, Source to Buckwha Creek	Carbon	HQ-CWF, MF	None
4—Buckwha Creek	Basin, <b>Source to Hunter Creek</b>	Carbon	CWF, MF	None
<b>5—Hunter Creek</b>	<b>Basin</b>	<b>Carbon</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>4—Buckwha Creek</b>	<b>Basin, Hunter Creek to Mouth</b>	<b>Carbon</b>	<b>CWF, MF</b>	<b>None</b>
3—Aquashicola Creek	Main Stem, Buckwha Creek to Mouth * * * *	Carbon	TSF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Coplay Creek	Basin	Lehigh	CWF, MF	None
3—Catasauqua Creek	Basin, <b>Source to East Wood Street Bridge at 40°39'13.1"N; 75°28'0.9"W</b>	Lehigh	CWF, MF	None
<b>3—Catasauqua Creek</b>	<b>Main Stem, East Wood Street Bridge to a point downstream of the Lehigh Street Bridge at 40°38'51.8"N; 75°28'6.1"W</b>	<b>Lehigh</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>4—Tributaries to Catasauqua Creek</b>	<b>Basins, East Wood Street Bridge to the point downstream of the Lehigh Street Bridge</b>	<b>Lehigh</b>	<b>CWF, MF</b>	<b>None</b>
<b>3—Catasauqua Creek</b>	<b>Basin, from the point downstream of the Lehigh Street Bridge to the Mouth</b>	<b>Lehigh</b>	<b>CWF, MF</b>	<b>None</b>
2—Lehigh River	Main Stem, Allentown Dam to Mouth * * * *	Northampton	WWF, MF	None
3—Monocacy Creek	Basin	Northampton	HQ-CWF, MF	None
3—Saucon Creek	<b>[ Basin, Source to Black River ] Main Stem, Source to a point downstream of Chestnut Hill Road Bridge at 40°32'21.3"N; 75°26'28.1"W</b>	<b>[ Northampton ] Lehigh</b>	<b>[ CWF ] HQ-CWF, MF</b>	None
<b>[ 4—Black River</b>	<b>Basin</b>	<b>Northampton</b>	<b>CWF, MF</b>	<b>None ]</b>
<b>4—Tributaries to Saucon Creek</b>	<b>Basins, Source to SR 412 Bridge</b>	<b>Lehigh-Northampton</b>	<b>CWF, MF</b>	<b>None</b>
<b>3—Saucon Creek</b>	<b>Main Stem, from the point downstream of Chestnut Hill Road Bridge to Black River</b>	<b>Lehigh</b>	<b>CWF, MF</b>	<b>None</b>
3—Saucon Creek	Main Stem, Black River to SR 412 Bridge	Northampton	HQ-CWF, MF	None
<b>[ 4—Unnamed Tributaries to Saucon Creek</b>	<b>Basins, Black River to SR 412 Bridge</b>	<b>Northampton</b>	<b>CWF, MF</b>	<b>None ]</b>
3—Saucon Creek	Basin, SR 412 Bridge to Mouth * * * *	Northampton	CWF, MF	None

§ 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania  
*Delaware River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Delaware River	Main Stem, Lehigh River to Head of Tide	Bucks	WWF, MF	See DRBC regulations—Water Quality Zone 1E
2—Unnamed Tributaries to Delaware River ( <b>except UNT 03333 at 40°38'47.0"N; 75°12'6.6"W</b> )	Basins, Lehigh River to Pidcock Creek	Northampton-Bucks	TSF, MF	None
<b>2—UNT 03333 to Delaware River</b>	<b>Basin</b>	<b>Northampton</b>	<b>HQ-CWF, MF</b>	<b>None</b>
2—Frya Run * * * *	Basin	Northampton	HQ-CWF, MF	None

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania  
Schuylkill River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Pine Creek	Basin	Schuylkill	CWF, MF	None
3—Bear Creek	Basin, Source to UNT 02300 at [ RM 7.6 ] 40°34'15.5"N; 76°11'25.6"W	Schuylkill	HQ-CWF, MF	None
4—[ Unnamed Tributary ] UNT 02300 to Bear Creek	Basin	Schuylkill	CWF, MF	None
3—Bear Creek	Basin, UNT 02300 to [ Mouth ] UNT 02299 at 40°34'43.5"N; 76°9'33.6"W	Schuylkill	CWF, MF	None
4—UNT 02299 to Bear Creek	Basin	Schuylkill	HQ-CWF, MF	None
3—Bear Creek	Basin, UNT 02299 to Mouth	Schuylkill	CWF, MF	None
3—Stony Creek	Basin	Schuylkill	CWF, MF	None
	* * * *	*		
3—Maiden Creek	Basin, Lake Ontelaunee Dam to Willow Creek	Berks	WWF, MF	None
4—Willow Creek	Basin, Source to a point upstream of T 707 Bridge at 40°25'39.2"N; 75°55'26.3"W	Berks	CWF, MF	None
4—Willow Creek	Basin, from the point at T 707 Bridge to Mouth	Berks	HQ-CWF, MF	None
3—Maiden Creek	Basin, Willow Creek to Mouth	Berks	WWF, MF	None
	* * * *	*		
3—Tulpehocken Creek	Main Stem, T 560 to Inlet of Blue Marsh Reservoir	Berks	TSF, MF	None
4—[ Unnamed ] Tributaries to Tulpehocken Creek	Basins, T 560 to [ Inlet of Blue Marsh Reservoir ] Owl Creek	[ Berks ] Lebanon	TSF, MF	None
4—Owl Creek	Basin	Lebanon	WWF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, Owl Creek to UNT 01950 at 40°22'23"N; 76°10'53.4"W	Lebanon-Berks	TSF, MF	None
4—UNT 01950 to Tulpehocken Creek	Basin, Source to SR 3002	Berks	TSF, MF	None
4—UNT 01950 to Tulpehocken Creek	Main Stem, SR 3002 to Mouth	Berks	HQ-CWF, MF	None
5—Tributaries to UNT 01950	Basins, SR 3002 to Mouth	Berks	TSF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, UNT 01950 to Mill Creek (Stream Code 01936 at 40°25'2"N; 76°9'59.8"W)	Berks	TSF, MF	None
4—Mill Creek (Stream Code 01936 [ at RM* 20.30 ])	Basin	Berks	CWF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, Mill Creek (Stream Code 01936) to Inlet of Blue Marsh Reservoir	Berks	TSF, MF	None
3—Tulpehocken Creek	Blue Marsh Reservoir	Berks	WWF, MF	None
	* * * *	*		
3—Trout Run	Basin	Berks	WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Allegheny Creek	Basin, <b>Source to Sleepy Hollow Run</b>	Berks	CWF, MF	None
<b>4—Sleepy Hollow Run</b>	<b>Main Stem</b>	<b>Berks</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>5—Tributaries to Sleepy Hollow Run</b>	<b>Basins</b>	<b>Berks</b>	<b>CWF, MF</b>	<b>None</b>
<b>3—Allegheny Creek</b>	<b>Basin, Sleepy Hollow Run to Mouth</b>	<b>Berks</b>	<b>CWF, MF</b>	<b>None</b>
3—Seidel Creek	Basin	Berks	WWF, MF	None
3—Antietam Creek	Basin	Berks	CWF, MF	None
3—Indian Corn Creek	Basin	Berks	CWF, MF	None
3—Heisters Creek	Basin	Berks	WWF, MF	None
3—Hay Creek	Basin, Source to [ <b>Unnamed Tributary (UNT) 63882 at River Mile 8.1</b> ] UNT 63882 at 40°12'8.5"N; 75°51'49.8"W	Berks	EV, MF	None
4—[ <b>Unnamed Tributary (63882)</b> ] UNT 63882 to Hay Creek	Basin	Berks	CWF, MF	None
3—Hay Creek	Basin, UNT 63882 to [ <b>Beaver Run</b> ] UNT 62990 at 40°12'36.7"N; 75°50'26.4"W	Berks	[ <b>CWF</b> ] <b>HQ-CWF, MF</b>	None
<b>4—UNT 62990 to Hay Creek</b>	<b>Basin</b>	<b>Berks</b>	<b>CWF, MF</b>	<b>None</b>
<b>3—Hay Creek</b>	<b>Basin, UNT 62990 to Beaver Run</b>	<b>Berks</b>	<b>CWF, MF</b>	<b>None</b>
4—Beaver Run	Basin	Berks	HQ-CWF, MF	None
3—Hay Creek	Basin, Beaver Run to Birdsboro Boundary at 40°15'17.5"N; 75°48'51.2"W	Berks	EV, MF	None
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
3—Sixpenny Creek	Basin, Source to [ <b>Unnamed Tributary at RM 1.28</b> ] UNT 64027 at 40°14'37.2"N; 75°46'40.3"W	Berks	HQ-CWF[ ; ], MF	None
4—[ <b>Unnamed Tributary to Sixpenny Creek at RM 1.28</b> ] UNT 64027 to Sixpenny Creek	Basin	Berks	HQ-CWF[ ; ], MF	None
3—Sixpenny Creek	Basin, [ <b>Unnamed Tributary at RM 1.28</b> ] UNT 64027 to Mouth	Berks	CWF[ ; ], MF	None
3—Monocacy Creek	Basin, <b>Source to UNT 01762 at 40°22'1.3"N; 75°48'35.3"W</b>	Berks	WWF, MF	None
<b>4—UNT 01762 to Monocacy Creek</b>	<b>Basin, Source to Alsace and Oley Township border at 40°22'18.6"N; 75°48'56.7"W</b>	<b>Berks</b>	<b>WWF, MF</b>	<b>None</b>
<b>4—UNT 01762 to Monocacy Creek</b>	<b>Basin, Alsace and Oley Township border to Mouth</b>	<b>Berks</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>3—Monocacy Creek</b>	<b>Basin, UNT 01762 to Mouth</b>	<b>Berks</b>	<b>WWF, MF</b>	<b>None</b>
3—Leaf Creek	Basin	Berks	WWF, MF	None
	* * * *	*		

§ 93.9h. Drainage List H.

Susquehanna River Basin in Pennsylvania  
*Tioga River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Susquehanna River				
2—Tioga River	Basin, Source to [ <b>Mill Creek</b> ] <b>Big Rift Creek</b>	Tioga	CWF, MF	None
<b>3—Big Rift Creek</b>	<b>Basin</b>	<b>Tioga</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>2—Tioga River</b>	<b>Basin, Big Rift Creek to Mill Creek</b>	<b>Tioga</b>	<b>CWF, MF</b>	<b>None</b>
3—Mill Creek	Basin	Tioga	TSF, MF	None
	* * * *	*		

§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—French Run	Basin	Bradford	CWF, MF	None
3—South Branch Towanda Creek	Basin, <b>Source to Satterlee Run</b>	Bradford	CWF, MF	None
<b>4—Satterlee Run</b>	<b>Basin</b>	<b>Bradford</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>3—South Branch Towanda Creek</b>	<b>Basin, Satterlee Run to Mouth</b>	<b>Bradford</b>	<b>CWF, MF</b>	<b>None</b>
2—Towanda Creek	Main Stem, South Branch to Mouth	Bradford	WWF, MF	None
	* * * *	*		
2—Wyalusing Creek	Basin, Confluence of East and Middle Branches to North Branch	Bradford	WWF, MF	None
3—North Branch Wyalusing Creek	Basin, <b>Source to Gaylord Creek</b>	Susquehanna	CWF, MF	None
<b>4—Gaylord Creek</b>	<b>Basin, Source to Bradford-Susquehanna County line at 41°53'4.6"N; 76°8'6.4"W</b>	<b>Bradford-Susquehanna</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>4—Gaylord Creek</b>	<b>Basin, Bradford-Susquehanna County line to Mouth</b>	<b>Susquehanna</b>	<b>CWF, MF</b>	<b>None</b>
<b>3—North Branch Wyalusing Creek</b>	<b>Basin, Gaylord Creek to Mouth</b>	<b>Susquehanna</b>	<b>CWF, MF</b>	<b>None</b>
2—Wyalusing Creek	Basin, North Branch to Mouth	Bradford	WWF, MF	None
	* * * *	*		
2—Mehoopany Creek	Basin, Source to North Branch Mehoopany Creek	Wyoming	HQ-CWF, MF	None
3—North Branch Mehoopany Creek	Basin, <b>Source to Burgess Brook</b>	Wyoming	CWF, MF	None
<b>4—Burgess Brook</b>	<b>Basin</b>	<b>Wyoming</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>3—North Branch Mehoopany Creek</b>	<b>Basin, Burgess Brook to Mouth</b>	<b>Wyoming</b>	<b>CWF, MF</b>	<b>None</b>
2—Mehoopany Creek	Basin, North Branch Mehoopany Creek to Mouth	Wyoming	CWF, MF	None
2—Taques Creek	Basin	Wyoming	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Tunkhannock Creek	Basin, Source to UNT 29200 at [ <b>RM 36.08</b> ] 41°48'18.8"N; 75°34'50.6"W	Susquehanna	CWF, MF	None
3—UNT 29200 to Tunkhannock Creek [ at <b>RM 36.08</b> ]	Basin	Susquehanna	EV, MF	None
2—Tunkhannock Creek	Basin, UNT 29200 to [ <b>East Branch Tunkhannock Creek</b> ] <b>Rock Creek</b>	Susquehanna	CWF, MF	None
<b>3—Rock Creek</b>	<b>Basin</b>	<b>Susquehanna</b>	<b>HQ-CWF, MF</b>	<b>None</b>
<b>2—Tunkhannock Creek</b>	<b>Basin, Rock Creek to East Branch Tunkhannock Creek</b>	<b>Susquehanna</b>	<b>CWF, MF</b>	<b>None</b>
3—East Branch Tunkhannock Creek	Basin, Source to Dundaff Creek	Susquehanna	CWF, MF	None
	* * * *	*		
2—Sutton Creek	Basin	Luzerne	CWF, MF	None
2—Lewis Creek	Basin	[ <b>Lackawanna</b> ] <b>Luzerne</b>	[ <b>CWF</b> ] <b>HQ-CWF, MF</b>	None
2—Gardner Creek	Basin	[ <b>Luzerne</b> ] <b>Lackawanna</b>	CWF, MF	None
	* * * *	*		

## § 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
2—Abrahams Creek	Basin	Luzerne	CWF, MF	None
2—Mill Creek [ ( <b>Warden Creek</b> ) ]	Basin, <b>Source to Laurel Run</b>	Luzerne	CWF, MF	None
<b>3—Laurel Run</b>	<b>Basin, Source to UNT 62998 at 41°14'14.0"N; 75°48'33.5"W</b>	<b>Luzerne</b>	<b>CWF, MF</b>	<b>None</b>
4—UNT 62998 to Laurel Run	Basin	Luzerne	HQ-CWF, MF	None
3—Laurel Run	Basin, UNT 62998 to Mouth	Luzerne	CWF, MF	None
2—Mill Creek	Basin, Laurel Run to Mouth	Luzerne	CWF, MF	None
2—Toby Creek	Basin, Source to Huntsville Creek	Luzerne	CWF, MF	None
	* * * *	*		
2—Little Wapwallopen Creek	Basin	Luzerne	CWF, MF	None
2— <b>Big Wapwallopen Creek</b> [ ( <b>Big Wapwallopen Creek</b> ) ]	Basin, <b>Source to SR 437</b>	Luzerne	CWF, MF	None
2— <b>Big Wapwallopen Creek</b>	<b>Main Stem, SR 437 to a point upstream of Nuangola Road at 41°08'58.7"N; 75°54'48.1"W</b>	<b>Luzerne</b>	<b>HQ-CWF, MF</b>	<b>None</b>
3— <b>Tributaries to Big Wapwallopen Creek</b>	<b>Basins, SR 437 to the point upstream of Nuangola Road</b>	<b>Luzerne</b>	<b>CWF, MF</b>	<b>None</b>
2— <b>Big Wapwallopen Creek</b>	<b>Basin, from the point upstream of Nuangola Road to Bow Creek</b>	<b>Luzerne</b>	<b>CWF, MF</b>	<b>None</b>
3— <b>Bow Creek</b>	<b>Basin, Source to SR 309</b>	<b>Luzerne</b>	<b>CWF, MF</b>	<b>None</b>
3— <b>Bow Creek</b>	<b>Main Stem, SR 309 to Mouth</b>	<b>Luzerne</b>	<b>HQ-CWF, MF</b>	<b>None</b>

PROPOSED RULEMAKING

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<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Tributaries to Bow Creek	Basins, SR 309 to Mouth	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Basin, Bow Creek to Balliet Run	Luzerne	CWF, MF	None
3—Balliet Run	Basin	Luzerne	HQ-CWF, MF	None
2—Big Wapwallopen Creek	Main Stem, Balliet Run to a point downstream of SR 3012 at 41°3'42.1"N; 76°5'51.2"W	Luzerne	HQ-CWF, MF	None
3—Tributaries to Big Wapwallopen Creek	Basins, Balliet Run to the point downstream of SR 3012	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Basin, from the point downstream of SR 3012 to Mouth	Luzerne	CWF, MF	None
2—Walker Run	Basin	Luzerne	CWF, MF	None
2—Salem Creek	Basin	Luzerne	CWF, MF	None
2—Nescopeck Creek	Basin, Source to PA 309 Bridge	Luzerne	HQ-CWF, MF	None
2—Nescopeck Creek	Main Stem, PA 309 Bridge to Mouth	Luzerne-Columbia	TSE, MF	None
3—[ Unnamed ] Tributaries to Nescopeck Creek	Basins, PA 309 Bridge to [ Mouth ] Long Run	[ Luzerne-Columbia ] Luzerne	CWF, MF	None
[ 3—Creasy Creek	Basin	Luzerne	CWF, MF	None
3—Little Nescopeck Creek	Basin	Luzerne	CWF, MF	None
3—Oley Creek	Basin, Source to farthest downstream crossing of State Game Lands No. 187 Border	Luzerne	HQ-CWF, MF	None
3—Oley Creek	Basin, Farthest downstream crossing of State Game Lands No. 187 Border to Mouth	Luzerne	CWF, MF	None ]
3—Long Run	Basin	Luzerne	[ CWF ] HQ-CWF, MF	None
[ 3—Little Nescopeck Creek	Basin	Luzerne	CWF, MF	None
3—Black Creek	Basin	Luzerne	CWF, MF	None ]
3—Tributaries to Nescopeck Creek	Basins, Long Run to UNT 28152 at 41°0'45.8"N; 76°3'38.1"W	Luzerne	CWF, MF	None
3—UNT 28152 to Nescopeck Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	Basins, UNT 28152 to UNT 28138 at 41°0'40"N; 76°6'1.7"W	Luzerne	CWF, MF	None
3—UNT 28138 to Nescopeck Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	Basins, UNT 28138 to Kester Creek	Luzerne	CWF, MF	None
3—Kester Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	Basins, Kester Creek to Mouth	Luzerne	CWF, MF	None
2—Briar Creek	Basin	Columbia	CWF, MF	None
	* * * *	*		
3—East Branch Fishing Creek	Basin, Source to Confluence with West Branch	Columbia	HQ-CWF, MF	None
2—Fishing Creek	Basin, Confluence of East and West Branches to [ Huntingdon Creek ] Coles Creek	Columbia	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Coles Creek	Basin, Source to Marsh Run	Columbia	HQ-CWF, MF	None
4—Marsh Run	Basin	Columbia	CWF, MF	None
3—Coles Creek	Basin, Marsh Run to UNT 27964 at 41°15'49.0"N; 76°20'28.1"W	Columbia	CWF, MF	None
4—UNT 27964 to Coles Creek (Fallow Hollow)	Basin	Columbia	HQ-CWF, MF	None
3—Coles Creek	Basin, UNT 27964 to UNT 27963 at 41°15'32.5"N; 76°20'50.7"W	Columbia	CWF, MF	None
4—UNT 27963 to Coles Creek (Hess Hollow)	Basin	Columbia	HQ-CWF, MF	None
3—Coles Creek	Basin, UNT 27963 to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Coles Creek to Huntingdon Creek	Columbia	CWF, MF	None
3—Huntingdon Creek	Basin, Source to Kitchen Creek	Luzerne	HQ-CWF, MF	None
4—Kitchen Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Huntingdon Creek	Main Stem, Kitchen Creek to Mouth	Columbia	TSF, MF	None
4—[ Unnamed ] Tributaries to Huntingdon Creek	Basins, Kitchen Creek to [ Mouth ] Pine Creek	[ Luzerne ] Luzerne- Columbia	CWF, MF	None
[ 4—Rogers Creek	Basin	Luzerne	CWF, MF	None
4—Kingsbury Brook	Basin	Luzerne	CWF, MF	None ]
4—Pine Creek	Basin, Source to Wasp Branch	Luzerne	CWF, MF	None
5—Wasp Branch	Basin	Luzerne	HQ-CWF, MF	None
4—Pine Creek	Basin, Wasp Branch to Mouth	Columbia	CWF, MF	None
4—Tributaries to Huntingdon Creek	Basins, Pine Creek to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Huntington Creek to Green Creek	Columbia	TSF, MF	None
	* * * *	*		
3—Little Fishing Creek	Basin, Source to Lick Run	Columbia	EV, MF	None
4—Lick Run	Basin, Source to UNT 27727 at 41°11'20.4"N; 76°31'18.0"W	Columbia	[ CWF ] HQ-CWF, MF	None
5—UNT 27727 to Lick Run	Basin	Columbia	HQ-CWF, MF	None
4—Lick Run	Basin, UNT 27727 to Mouth	Columbia	CWF, MF	None
3—Little Fishing Creek	Basin, Lick Run to Mouth	Columbia	CWF, MF	None
	* * * *	*		

## § 93.91. Drainage List L.

Susquehanna River Basin in Pennsylvania  
West Branch Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Bald Eagle Creek	Basin, Source to Laurel Run (at Port Matilda)	Centre	CWF, MF	None
4—Laurel Run	Basin, Source to a point at 40°49'3.5"N; 78°5'52"W	Centre	[ CWF ] HQ-CWF, MF	None



<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Laurel Run	<b>Basin, from the point at 40°49'3.5"N; 78°5'52"W to Mouth</b>	<b>Centre</b>	<b>CWF, MF</b>	<b>None</b>
3—Bald Eagle Creek	Main Stem, Laurel Run to Nittany Creek * * * * *	Centre	TSF, MF	None
5—Galbraith Gap Run	Basin	Centre	HQ-CWF, MF	None
5—Cedar Run	[ Basin ] Main Stem	Centre	[ CWF ] HQ-CWF, MF	None
6—Tributaries to Cedar Run	<b>Basins</b>	<b>Centre</b>	<b>CWF, MF</b>	<b>None</b>
5—UNT 23057 [ at RM 18.18 ] to Spring Creek at 40°47'41.2"N; 77°48'16.6"W (locally Markles Gap Run)	Basin	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, Source to [ PA 26 at RM 9.0 ] SR 26 at 40°43'46"N; 77°52'42.4"W	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, [ PA 26 at RM 9.0 ] SR 26 to UNT 23037 at 40°48'50"N; 77°50'8.9"W	Centre	CWF, MF	None
6—Unnamed Tributary 23037 (locally Thompson Run)	Basin * * * * *	Centre	HQ-CWF, MF	None
4—Harveys Run	Basin [ , Source to Castanea Reservoir Water Supply Intake ]	Clinton	HQ-CWF, MF	None
[ 4—Harveys Run	<b>Basin, Castanea Reservoir Water Supply Intake to Mouth</b>	<b>Clinton</b>	<b>CWF, MF</b>	<b>None ]</b>
3—McElhattan Creek	Basin, Source to Keller Reservoir Water Supply Intake * * * * *	Clinton	HQ-CWF, MF	None
5—Nickel Run	Basin	Tioga	EV, MF	None
5—Rock Run	Basin, Source to UNT 21760 at 41°38'16.2"N; 77°14'34.7"W	Tioga	[ CWF ] HQ-CWF, MF	None
6—UNT 21760 to Rock Run	<b>Basin</b>	<b>Tioga</b>	<b>CWF, MF</b>	<b>None</b>
5—Rock Run	<b>Basin, UNT 21760 to Mouth</b>	<b>Tioga</b>	<b>CWF, MF</b>	<b>None</b>
5—Long Run	Basin, Source to Custard Run * * * * *	Tioga	EV, MF	None

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania  
Juniata River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *	*		
4—McDonald Run	Basin	Blair	WWF, MF	None
4—Halter Creek	Basin, Source to Plum Creek	Blair	WWF, MF	None
5—Plum Creek	Basin, Source to SR 164	Blair	WWF, MF	None
5—Plum Creek	Main Stem, SR 164 to Mouth	Blair	HQ-CWF, MF	None
6—Tributaries to Plum Creek	Basins, SR 164 to Mouth	Blair	WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Halter Creek	Main Stem, Plum Creek to Mouth	Blair	HQ-CWF, MF	None
5—Tributaries to Halter Creek	Basins, Plum Creek to Mouth	Blair	WWF, MF	None
3—Frankstown Branch Juniata River	Main Stem, Halter Creek to Piney Creek	Blair	WWF, MF	None
	* * * *	*		
4—Homer Gap Run	Basin	Blair	WWF, MF	None
4—Sandy Run	Basin, Source to UNT 16026 at 40°32'53.2"N; 78°20'43.9"W	Blair	CWF, MF	None
5—UNT 16026 to Sandy Run	Basin	Blair	CWF, MF	None
4—Sandy Run	Basin, UNT 16026 to Mouth	Blair	HQ-CWF, MF	None
4—Riggles Gap Run	Basin	Blair	CWF, MF	None
	* * * *	*		
4—Logan Spring Run	Basin	[ Huntingdon ] Blair	WWF, MF	None
3—Little Juniata River	Main Stem, Logan Spring Run to [ Confluence with Frankstown Branch ] McLain Run	Huntingdon	[ CWF ] HQ-CWF, MF	None
3—Little Juniata River	Main Stem, McLain Run to Confluence with Juniata River and Frankstown Branch Juniata River	Huntingdon	CWF, MF	None
4—UNTs to Little Juniata River	Basins, Logan Spring Run to Confluence with Juniata River and Frankstown Branch Juniata River	Huntingdon-Blair	WWF, MF	None
	* * * *	*		

## § 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Muddy Run	Basin, Rowe Run to Mouth	Franklin	WWF, MF	None
3—Middle Spring Creek	Basin	Franklin-Cumberland	CWF, MF	None
4—Furnace Run	Basin	Franklin-Cumberland	CWF, MF	None
4—Gum Run	Basin	Franklin-Cumberland	CWF, MF	None
3—Middle Spring Creek	Basin, Confluence of Furnace Run and Gum Run to T 303 (Avon Road)	Franklin-Cumberland	[ CWF ] HQ-CWF, MF	None
3—Middle Spring Creek	Basin, T 303 (Avon Road) to Mouth	Franklin-Cumberland	CWF, MF	None
3—Paxton Run	Basin	Cumberland	WWF, MF	None
	* * * *	*		

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Big Spring Creek	Basin, Source to SR 3007 (T 333)	Cumberland	EV, MF	None
<b>3—Big Spring Creek</b>	<b>Basin, SR 3007 (T 333) to Nealy Road</b>	<b>Cumberland</b>	<b>HQ-CWF, MF</b>	<b>None</b>
3—Big Spring Creek	Basin, [ <b>SR 3007 (T 333)</b> ] <b>Nealy Road</b> to Mouth	Cumberland	CWF, MF	None
3—Rock Run	Basin * * * *	Cumberland	WWF, MF	None
3—Letort Spring Run	Basin, PA 34 Bridge to Railroad Bridge at Letort Park	Cumberland	EV, MF	None
3—Letort Spring Run	Basin, Railroad Bridge at Letort Park to [ <b>T-710 (Post Road) Bridge</b> ] Mouth	Cumberland	HQ-CWF, MF	None
<b>[ 3—Letort Spring Run</b>	<b>Basin, T-710 Bridge to Mouth</b>	<b>Cumberland</b>	<b>CWF, MF</b>	<b>None ]</b>
3—Simmons Creek	Basin * * * *	Cumberland	WWF, MF	None

§ 93.9p. Drainage List P.

Ohio River Basin in Pennsylvania  
*Allegheny River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Reese Hollow	Basin	Potter	CWF	None
3—Mill Creek	Basin[ , <b>Source to North Hollow</b> ]	Potter	HQ-CWF	None
<b>[ 3—Mill Creek</b>	<b>Basin, North Hollow to Mouth</b>	<b>Potter</b>	<b>CWF</b>	<b>None ]</b>
3—Dingman Run	Main Stem * * * *	Potter	HQ-CWF	None

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania  
*Allegheny River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
4—Blood Run	Basin	Forest	HQ-CWF	None
4—Logan Run	Basin	Forest	<b>[ CWF ]</b> <b>HQ-CWF</b>	None
4—Phelps Run	Basin * * * *	Forest	CWF	None
4—Sulphur Run	Basin	Venango	WWF	None
4—Little Sandy Creek	Basin, Source to [ <b>Unnamed Tributary at RM 1.16</b> ] UNT 51398 at 41°22'39.5"N; 79°55'5"W	Venango	HQ-CWF	None
5—[ <b>Unnamed Tributary to Little Sandy Creek at RM 1.16</b> ] UNT 51398 to Little Sandy Creek	Basin	Venango	CWF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Little Sandy Creek	Basin, [ <b>Unnamed Tributary at RM 1.16</b> ] UNT 51398 to Mouth	Venango	CWF	None
4—South Sandy Creek	Basin, <b>Source to Bear Run</b>	Venango	CWF	None
<b>5—Bear Run</b>	<b>Basin</b>	<b>Venango</b>	<b>HQ-CWF</b>	<b>None</b>
<b>4—South Sandy Creek</b>	<b>Basin, Bear Run to Mouth</b>	<b>Venango</b>	<b>CWF</b>	<b>None</b>
4—Morrison Run	Basin	Venango	WWF	None
	* * * *	*		

## § 93.9t. Drainage List T.

Ohio River Basin in Pennsylvania  
*Kiskiminetas River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
7—Twomile Run	Basin	Somerset	CWF	None
7—Higgins Run	Basin, Source to [ <b>RM 1.37</b> ] UNT 45416 at 40°6'45.9"N; 78°59'50.6"W	Somerset	CWF	None
<b>8—UNT 45416 to Higgins Run</b>	<b>Basin</b>	<b>Somerset</b>	<b>CWF</b>	<b>None</b>
7—Higgins Run	Main Stem, [ <b>RM 1.37</b> ] UNT 45416 to Mouth	Somerset	HQ-CWF	None
8—[ <b>Unnamed</b> ] Tributaries to Higgins Run	Basins, [ <b>RM 1.37 to Mouth</b> ] from UNT 45416 to Mouth (including UNTs 45406 and 45405)	Somerset	CWF	None
5—Stony Creek	Main Stem, Quemahoning Creek to Confluence with Little Conemaugh River	Cambria	WWF	None
	* * * *	*		
5—Tubmill Creek	Basin, Source to Tubmill Reservoir Dam	Westmoreland	EV	None
5—Tubmill Creek	Basin, Tubmill Reservoir Dam to [ <b>Mouth</b> ] <b>Freeman Run</b>	Westmoreland	TSF	None
<b>6—Freeman Run</b>	<b>Basin, Source to UNT 44808 at 40°22'14.1"N; 79°10'34.4"W</b>	<b>Westmoreland</b>	<b>TSF</b>	<b>None</b>
<b>7—UNT 44808 to Freeman Run</b>	<b>Basin</b>	<b>Westmoreland</b>	<b>HQ-CWF</b>	<b>None</b>
<b>6—Freeman Run</b>	<b>Basin, UNT 44808 to Mouth</b>	<b>Westmoreland</b>	<b>TSF</b>	<b>None</b>
<b>5—Tubmill Creek</b>	<b>Basin, Freeman Run to Mouth</b>	<b>Westmoreland</b>	<b>TSF</b>	<b>None</b>
5—Roaring Run	Basin	Indiana	CWF	None
	* * * *	*		

[Pa.B. Doc. No. 16-367. Filed for public inspection March 4, 2016, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 23, 2016.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file 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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2016	Richard J. Green  Application for approval to acquire over 50% majority voting control of Semperverde Holding Company, Conshohocken, and thereby voting control of Firstrust Savings Bank, which is a wholly owned subsidiary of Semperverde Holding Company.	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2016	C&G Savings Bank Altoona Blair County  Application for approval to merge Cresson Community Bank, Cresson, with and into C&G Savings Bank, Altoona, and changing their corporate title to PennCrest Bank.	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-17-2016	CNB Bank Clearfield Clearfield County	3606 State Road Ashtabula Ashtabula County, OH	Approved
2-18-2016	PS Bank Wyalusing Bradford County	100 Old Lackawanna Trail Clarks Summit Lackawanna County	Approved
2-18-2016	Clarion County Community Bank Clarion Clarion County	1272 Elk Street Franklin Venango County	Filed
2-18-2016	The Muncy Bank & Trust Company Muncy Lycoming County	7520 South Route 220 Highway Linden Lycoming County	Filed
12-21-2015	S&T Bank Indiana Indiana County	3501 Embassy Parkway Akron Summit County	Opened

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-12-2016	PS Bank Wyalusing Bradford County	296 Eagles Mere Avenue Eagles Mere Sullivan County	Closed

## CREDIT UNIONS

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-18-2016	Healthcare First Credit Union Johnstown Cambria County	Approved
	Application for approval to merge Altoona Regional Health System Federal Credit Union, Altoona, with and into Healthcare First Credit Union, Johnstown.	

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-23-2016	Healthcare First Credit Union Johnstown Cambria County	321 Main Street Johnstown Cambria County	Approved
2-23-2016	Healthcare First Credit Union Johnstown Cambria County	194 Donald Lane Johnstown Cambria County	Approved

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-368. Filed for public inspection March 4, 2016, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Pennsylvania Housing Advisory Committee Meeting

The Pennsylvania Housing Advisory Committee (Committee) will meet on March 7, 2016, from 1:30 p.m. to 3:30 p.m. in the Pennsylvania Housing Finance Agency Board Room, 211 North Front Street, Harrisburg, PA 17101. The Committee is responsible for reviewing State-wide housing, support services, needs and priorities, as well as advising the Department of Community and Economic Development (Department) in the preparation of the Commonwealth Consolidated Plan (Plan) and the coordination of Federal, State and local resources to manage the implementation of this Plan.

As part of the planning process for the 2016 Action Plan of the Plan for 2014—2018, the Committee will be meeting in an open forum to discuss the changes in the Commonwealth's Federal community development programs which include the Community Development Block Grant (CDBG), the HOME Investment Partnerships, the Emergency Solutions Grant, CDBG Disaster Recovery, Neighborhood Stabilization Program and Housing Opportunities for Persons with AIDS programs. A presentation on the new National Housing Trust Fund, which will become a program covered by the Plan in 2016, will be presented by the Pennsylvania Housing Finance Agency along with a discussion of separating the Committee and the Interagency Homelessness Committee into two separate committees.

Persons who wish to attend the Committee meeting must register in advance. Contact Megan Snyder at (717) 720-7404 or TDD (717) 346-0308 to receive information on attending the meetings at least 72 hours prior to the

meeting date. There will be WebX capability to attend the meeting remotely and registration is required.

Persons with a disability who wish to attend the Committee meeting and require an auxiliary aid, service or other accommodation to participate should contact Megan Snyder, Department of Community and Economic Development, Center for Community Financing, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 at a minimum of 72 hours before the meeting to discuss how the Department may best accommodate their needs.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 16-369. Filed for public inspection March 4, 2016, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Notice of Final Policy for the Imposition of Convenience Charge for PNDI Receipts Generated through the PA Conservation Explorer

#### *Background*

On September 19, 2015, the Department of Conservation and Natural Resources (Department) published a notice of an interim final Policy for the imposition of fees for PNDI receipts generated through the PA Conservation Explorer at 45 Pa.B. 5688 (September 19, 2015) seeking public comment. The Department developed a new tool to replace the current Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review tool, now called

the PA Conservation Explorer. The PA Conservation Explorer tool is an ArcGIS Server based interactive mapping application that anyone can use to map the conservation status and conservation values of lands. The PA Conservation Explorer includes both conservation planning and PNDI environmental review components, and will provide improved access to visible conservation information, leading to better project planning and fewer impacts on threatened and endangered species as well as species and resources of special concern.

The Department proposed a policy to impose a \$40 convenience charge on users who receive a PNDI Receipt generated through the new PA Conservation Explorer. The policy applies only to users who use the PA Conservation Explorer to obtain a PNDI Receipt. Users without access to a computer or users who do not wish to use the PNDI Receipt convenience option in the PA Conservation Explorer may submit their project for review directly to each of the four jurisdictional agencies (the Department, the Game Commission, the Fish and Boat Commission and the United States Fish and Wildlife Service).

This document summarizes the written comments received from the public by e-mail or letter. Department staff reviewed the public comments that were received and distilled them into this single response document. Some comments were combined or generalized for purposes of providing a response, and some comments were edited for length, clarity, relevance or format.

#### Commentators

<i>Name</i>	<i>Affiliation</i>
Christopher Kraft	C.S. Davidson, Inc.
Adam Smith	C.S. Davidson, Inc.
Daniel Fischman	Bankson Engineers, Inc.
Jeffrey DeAngelo	Alfred Benesch and Company
Roger Varner	Larson Design Group
Jim Gillis	United States Department of Agriculture, Natural Resources Conservation Service
Namita Sinha	Susquehanna Civil, Inc.
Hylton Hobday	ASC Group, Inc.
Daniel Swift	Consulting Forester
Chad Yurisc	Deiss & Halmi Engineering, Inc.
Jim Welty	Marcellus Shale Coalition
John Arway	Fish and Boat Commission
Christopher Carusone	Cohen Seglias Pallas Greenhall & Furman, PC
Kevin Moody	Pennsylvania Independent Oil and Gas Association
Paul Lyskava	Pennsylvania Forest Products Association
Joseph Glover	Association of Consulting Foresters, Pennsylvania Chapter; Fountains Forestry
Eric Easton	Pennsylvania College of Technology, Forest Technology
Stephanie Gundling	KU Resources

#### General Comments

*Comment 1:* How will the user pay for the PNDI Convenience Charge, via credit card only or can the user be billed?

*Response:* Payment for a PNDI Receipt will be accepted by credit card only (Visa, MasterCard, or Discover).

*Comment 2:* How and when will the convenience charge be applied? For example: When will the convenience charge begin? Is it a yearly charge or per PNDI Receipt charge? Can a PNDI Receipt be updated without paying another charge?

*Response:* The convenience charge for the PNDI Receipt will begin when the new PA Conservation Explorer is released, which is anticipated for early 2016. At that time, the current PNDI tool will be replaced with the new PA Conservation Explorer. The convenience charge is applied when the user creates a PNDI Receipt. Payment will be accepted by credit card (Visa, MasterCard, or Discover). The user will be able to update the PNDI Receipt after payment, if necessary, for permitting or siting purposes at no additional charge.

*Comment 3:* How did the Department determine the \$40 convenience charge?

*Response:* The Department looked at several factors in formulating the \$40 convenience charge: what it cost to develop the new PA Conservation Explorer as well as on-going maintenance costs; and what surrounding states charge for similar or like services.

1. The Department expended approximately \$400,000 to develop the PA Conservation Explorer tool. These one-time, start-up costs included the development of the tool itself, software hosting and maintenance fees as well as perpetual ESRI ARC GIS server license. In addition, the Department needs to defray on-going annual costs for support and maintenance of the PA Conservation Explorer, estimated at \$675,000. These annual costs include data management, tool maintenance, web hosting fees and overall coordination of the tool and associated staff. In contrast, the Department anticipates revenue received from the convenience charge at only \$520,000.

2. Across the United States, several states provide species habitat information similar to Pennsylvania—but each state provides different levels of species habitat visibility, has different avenues of providing that information and different costs to access it. The Department researched the costs charged by other states' Natural Heritage Programs, which range from \$30 per project site review (where no species habitat information is shared) to \$6,000 a year for access to visible species habitat information statewide. Typically, the cost is \$30—\$300 for information or assessment of a specific site. For example, Delaware charges \$35/hr. of time spent per project; New Jersey's is \$70/hr. for review of projects; Virginia provides a subscription service as well as fees associated with the number of species in your project area ranging from \$120—190 per project; New Hampshire's fee is \$25 per species in the project area; and Massachusetts' fees are based on the size of the project ranging from 5 acres for \$300 up to 20 acres for \$4,000.

In light of fees charged by other states, the Department's proposed \$40 convenience charge is reasonable.

*Comment 4:* Can you please clarify the exemptions for government? Our company's clients are often state, county or local governmental agencies or authorities. Will a consultant be able to obtain an exemption from the PNDI Receipt convenience charge when working on behalf of government?

*Response:* Federal, state and local government agencies that are performing a governmental function in the normal course of business, including but not limited to, permitting, planning, grants or land management, are exempt from the convenience charge. The convenience charge exemption applies only to staff working within the governmental agency. Government employees or contract staff working as a government employee or embedded within the governmental agency may request a convenience charge exemption through an online request form, and the requestor's supervisor may be contacted to verify employment within the agency and need for exemption. Consultants working outside of the agency—not as an embedded employee—are not part of the convenience charge exemption.

*Comment 5:* Can the convenience charge be applied to only certain user groups and not others (i.e., groups whose work is more lucrative than others)?

*Response:* The PA Conservation Explorer exempts the convenience charge for federal, state, county and local governmental agencies that are performing a governmental function in the normal course of business. No other groups are eligible for an exemption.

*Comment 5:* Will the Department partner with the PA Department of Environmental Protection to create PNDI Receipts at the request of permittees and if so, will there be a charge?

*Response:* The only item for which there is a \$40 convenience charge is when the user obtains a PNDI Receipt. There is no need for the Department to partner with its sister agency, the Pennsylvania Department of Environmental Protection (PA DEP). If a user goes directly to PA DEP, PA DEP will advise the user that, as a user, it has three options to obtain a PNDI Receipt: 1. Request an exemption from the convenience charge from the Department (if applicable); 2. Submit the project manually to each of the four jurisdictional agencies (PA Department of Conservation and Natural Resources, PA Fish and Boat Commission, PA Game Commission and the U. S. Fish and Wildlife Service) for review at no charge; or 3. Obtain a PNDI Receipt using the online PA Conservation Explorer, in which case the \$40 convenience charge would apply.

*Comment 6:* Could you clarify the difference of what information is found on a PNDI Receipt versus information found in the Conservation Planning Report? Do I need a PNDI Receipt or can I just use the planning report?

*Response:* Whether a user needs a PNDI Receipt or a Conservation Planning Report depends on the user's needs. For the purpose of obtaining certain PA DEP permits, PNDI Receipts or letters of coordination from the 4 jurisdictional agencies are required.

The PNDI Receipt and letters of coordination provide information on endangered species, threatened species and species of special concern found in the project vicinity. Conservation Planning Reports have information that can be found in the Conservation Planning portion of the PA Conservation Explorer, which includes but is not limited to, information regarding Natural Heritage Areas, Public Resources (State Parks, Local parks, protected lands), Exceptional Value/High Quality streams, Wild Trout streams, and Important Bird Areas. If your project area contains any of these special features or designations, the Conservation Report will provide data on those areas that are found in your project area. The Conservation Planning reports are used more often during the

planning or early assessment stages of a project, or to obtain general conservation knowledge of an area.

*Comment 7:* Does the PNDI process or requirements change if the Conservation Planning section of the PA Conservation Explorer shows there are no concerns? Do I still need to obtain a PNDI Receipt?

*Response:* It is important to note that the information found within the Conservation Planning section of the PA Conservation Explorer does not have PNDI information on endangered, threatened or species of special concern. Specific species habitat location information for endangered, threatened or species of special concern is found within the PNDI Environmental Review portion of PA Conservation Explorer, so if a user's work or project needs to assess information on endangered and threatened species and species of special concern for environmental permits, a PNDI Receipt or letters showing coordination with the four jurisdictional agencies is required. The PNDI Receipt, in this commentator's example, would verify that there are no potential impacts, and agency coordination is not necessary. The Conservation Planning section of the PA Conservation Explorer provides information on protected lands, important waters and other conservation data, but does not display the information that is found on a PNDI Receipt.

*Comment 8:* Our group uses the PNDI Tool frequently and is interested in learning about the new PA Conservation Explorer. Will there be informational meetings about the new format or PNDI process?

*Response:* Yes, there have been and will continue to be informational presentations regarding the new PA Conservation Explorer and the PNDI Environmental Review process. Please check the PA Natural Heritage Program web site <http://www.naturalheritage.state.pa.us> for upcoming notices or contact Kent Taylor at [kenttaylor@pa.gov](mailto:kenttaylor@pa.gov) to schedule. Several video tutorials can be found within the PA Conservation Explorer web site which take the user through the process of using the tool.

*Comment 9:* We support the Department's intent to support the robust improvements in providing information through the PA Conservation Explorer by imposing a convenience charge for the PNDI Receipt.

*Response:* The Department appreciates your support.

*Comment 10:* The Department should direct a portion of the convenience charge proceeds from the PNDI Receipts to the PA Fish and Boat Commission to cover the commission's data management efforts that are fundamental to the new PA Conservation Explorer. The Department should also consider the fee at an amount higher than \$40 to capture an even greater percentage of the true costs of collecting and managing the data that serve as the cornerstone of the PA Conservation Explorer.

*Response:* The PA Natural Heritage Program (PNHP) is a partnership between the Department of Conservation and Natural Resources, the PA Fish and Boat Commission, the PA Game Commission and the Western Pennsylvania Conservancy. The Department appreciates the PA Fish and Boat Commission's spirit of cooperation within PNHP, however, the Department commits over \$2 million annually to manage the PA Natural Heritage Program as a whole. The PA Conservation Explorer is just one function of the program and will cost the Department approximately \$675,000 annually to maintain it and its data, with a one-time development cost of approximately \$400,000. The Department assumes the sole burden of the expenses associated with the current PNDI Tool, the new PA Conservation Explorer, and the core funding of



the PA Natural Heritage Program. The Department declines to direct a portion of the convenience charge to any of the other jurisdictional agencies because none of the jurisdictional agencies share the burden of those expenses. Information explaining the determination of the convenience charge amount is explained above. At this time, the Department is not considering a change in the amount of the \$40 convenience charge.

*Comment 11:* The existing PNDI Tool has proven to be adequate and free of charge since its inception. Why invest time and money into development of a new system if the existing one works just fine? Perhaps if time and money are not invested into development and management of a new system, a convenience charge would not be necessary.

*Response:* The Department agrees that the current PNDI Tool has proven itself to be a very good tool since its inception in 2004. However, as is the case with most technology and software, the current technology and software is out of date and needs to be replaced; it is no longer supported by its developer. Consequently, the time will come in the very near future when the current PNDI Tool will no longer function. In addition, not every current PNDI user believes that the current PNDI Tool meets all of the planning and conservation needs. For example, the current tool lacks a visual representation of sensitive areas and species habitats, which has been requested by users. The new PA Conservation Explorer meets those needs. The convenience charge is only assessed when the user obtains a PNDI receipt; the Department will maintain a no-charge option (i.e., the user manually submits projects to the four jurisdictional agencies for review).

*Comment 12:* If we are trying to encourage more environmental awareness within the forestry field, this new convenience charge will probably have the opposite effect. My thought is that most individuals involved with timber sales will save the \$40 and not conduct a PNDI search, which will not help further the cause of environmental awareness and good stewardship of our forested areas.

*Response:* The Department acknowledges this comment. However, the PA Conservation Explorer is designed so that a user can log into the PNDI Environmental Review portion and see the conservation information found in the Conservation Planning side as well as the species habitat locations of the endangered and threatened species and species of special concern during planning stages. The PA Conservation Explorer enables timber harvesters to view the information at any time. If PNDI coordination is necessary, the user has two choices: either pay the \$40 convenience charge or submit the timber project to the four jurisdictional agencies to receive letters showing PNDI coordination. Unlike the current PNDI tool, the PA Conservation Explorer now offers users the ability to view conservation information for general planning, the ability to see PNDI species habitat information and obtain a PNDI Receipt instantaneously while also being able to upload projects for further review to the state jurisdictional agencies through the tool. The Department recognizes that not all users will want to pay a \$40 convenience charge, and offers the no-charge option of submitting projects to the applicable jurisdictional agency for review.

*Comment 13:* The costs incurred by landowners, foresters and conventional oil and gas operators impact their management decisions. When adding the costs together, the cost of completing a project can and does become so burdensome that the project becomes undesirable and

unfeasible. The PNDI system should remain a beneficial tool that we can utilize free of charge.

*Response:* The Department agrees that the PNDI review should remain a beneficial tool that users can use free of charge, and has designed the PA Conservation Explorer to do just that. For those users who see an advantage to receiving their PNDI Receipt electronically, there will be a \$40 convenience charge.

*Comment 14:* I worry that the currently proposed process will impose significant costs on sawmills or loggers. The revenue generated from private forestry activities is often modest compared to the revenue generated from other development industries. My suggestion is to provide the option for an annual permit for PNDI searches that provides a limit on what a company can be charged.

*Response:* The Department acknowledges your concern. The PA Conservation Explorer tool has been designed so that a user can receive a PNDI Receipt free of charge. No user is required to take advantage of the convenience charge option. However, should a user elect to do so, the program has been designed to require a charge per PNDI Receipt. Please note that not all timber activities require a PA DEP permit, which means those activities would not require a PNDI Receipt or coordination letters from the four jurisdictional agencies.

*Comment 15:* We appreciate the Department's improvements to the PA Conservation Explorer, however, we oppose the imposition of the convenience charge through a policy. The only way this convenience charge implementation can be lawful is to permit users who need the PNDI Receipts to receive those receipts for free if they choose not to pay.

*Response:* The Department is within its authority to propose a convenience charge through a published policy. The convenience charge is not a mandatory charge but is optional. A user of the PA Conservation Explorer can elect to manually submit projects to the four jurisdictional agencies and receive a PNDI coordination letter free of charge.

*Comment 16:* The Interim Final Policy provides: "PNDI reviews can still be obtained free-of-charge for users without access to a computer using the standard process of requesting project review directly from the jurisdictional agencies—DCNR, PA Game Commission, PA Fish and Boat Commission and the U.S. Fish and Wildlife Service instead of generating a PNDI Receipt instantly through the PA Conservation Explorer." However, this system is entirely too cumbersome to be used effectively.

*Response:* The Department acknowledges your comment. The Department thoughtfully designed the PA Conservation Explorer to offer an option to bypass the manual project submission to each agency and allow for electronic project submission to the three state jurisdictional agencies. The PA Conservation Explorer was specifically designed so that all users have access to visual conservation and species habitat information for early planning prior to obtaining a PNDI Receipt. At that point, the user can decide if it prefers manual submission to each of the jurisdictional agencies or if it will submit a project taking advantage of the convenience option of the PA Conservation Explorer.

CINDY ADAMS DUNN,  
Secretary

[Pa.B. Doc. No. 16-370. Filed for public inspection March 4, 2016, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0243965 (Storm Water)	Silvi Concrete Oxford Plant 1824 Baltimore Pike Oxford, PA 19363	Chester County Lower Oxford Township	Unnamed Tributary to West Branch Big Elk Creek (7-K)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0113280 (Industrial)	Pennsylvania State University 113 Physical Plant Building University Park, PA 16802-6811	Centre County State College Borough	Unnamed Tributary of Slab Cabin Run (9-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0035548 (Sewage)	PA DOT Rest Area 15 PO Box 3060 Harrisburg, PA 17105-3060	Lawrence County Plain Grove Township	Unnamed Tributary to the Jamison Run (20-C)	Yes

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

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

**PA0244708**, Storm Water, SIC Code 4491, **Kinder Morgan Bulk Terminals, Inc.**, 1000 South Port Road, Fairless Hills, PA 19030. Facility Name: Kinder Morgan Fairless Hills Facility. This proposed facility is located in Falls Township, **Bucks County**.

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

The receiving stream(s), Delaware River and Unnamed Tributary to Delaware River, is located in State Water Plan watershed—and 2-E and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and Outfall 002 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. 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
Conductivity (µmhos/cm)	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	Report	Report	XXX	Report	Report	XXX
BOD <sub>5</sub>	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	XXX	50	XXX
Total Dissolved Solids	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids (Final)	5,000	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	Report	Report	XXX	2.0	4.0	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Free Available Cyanide	XXX	XXX	XXX	Report	Report	XXX
Total Cyanide	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX

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

- Acquiring necessary property rights
- Requirements for stormwater outfalls
- Applicable BMPs
- Special Condition for TDS
- Requirement to use eDMR

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

The EPA Waiver is in effect.

**PA0244058**, Sewage, SIC Code 4952, **Bedminster Municipal Authority Bucks County**, 432 Elephant Road, Perkaspie, PA 18944-4163. Facility Name: Deep Run STP. This existing facility is located in Bedminster Township, **Bucks 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), Deep Run, is located in State Water Plan watershed 2-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.01	XXX	0.025
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	50	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean 10	XXX	20
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

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

- No Stormwater
- Property Rights
- Collected Screenings and Sludges
- Optimize Chlorine Dosage
- Responsible Operator
- Fecal Coliform

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

The EPA Waiver is in effect.

**PA0244066**, Sewage, SIC Code 4952, **Bedminster Municipal Authority Bucks County**, 432 Elephant Road, Perkaspie, PA 18944. Facility Name: Pennland Farms STP. This existing facility is located in Bedminster Township, **Bucks 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), Deep Run, is located in State Water Plan watershed 2-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.01	XXX	0.025
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	50	XXX	1,000
				Geo Mean		

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Maximum	Instant. Maximum
Total Nitrogen	XXX	XXX	XXX	10	XXX	20
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

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

- No Stormwater
- Property Rights
- Collected Screenings Sludges
- Optimize Chlorine Dosage
- Responsible Operator
- Fecal Coliform

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

The EPA Waiver is in effect.

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

**PA0004472, Amendment No. 3**, Industrial Waste, SIC Code 3312, **US Steel Corp**, 400 State Street, Clairton, PA 15025-1855. Facility Name: US Steel Clairton Plant. This existing facility is located in Clairton City, **Allegheny County**.

Description of Existing Activity: Amendment of an NPDES permit for existing discharges from a cokemaking facility. This is a revision to draft limits published on October 17, 2015.

The receiving stream(s), Monongahela River and Peters Creek, are located in State Water Plan watershed 19-C and are variously classified for Trout Stocking and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Heat rejection rate limits at this outfall, Outfall 023, are aggregate, facility-wide limits for heated discharges from Outfalls 023, 028, 029, 038, 081 and 084. The heat rejection rate limits are revised as follows:

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Heat Rejection Rate (MBTUs/day)						
Dec 1 - Nov 15	XXX	16,564	XXX	XXX	XXX	XXX
Nov 16 - 30	XXX	15,639	XXX	XXX	XXX	XXX

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.

**PA0217034**, Industrial, SIC Code 3312, **ArcelorMittal Monessen LLC**, 345 Donner Avenue, Monessen, PA 15062-1156. Facility Name: ArcelorMittal Monessen. This existing facility is located in Monessen City, **Westmoreland County**.

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

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.32 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.25
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Benzidine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0002	0.0003	0.0005
Benzo(a)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
Benzo(a)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
Benzo(k)Fluoranthene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
3,4-Benzofluoranthene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
Chrysene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
Dibenzo(a,h)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
Hexachlorobenzene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0006	0.0009	0.0015
Indeno(1,2,3-cd)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.02
N-Nitrosodimethylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0015	0.0023	0.0036
N-Nitrosodi-N-Propylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.026

The proposed effluent limits for Outfall 002 are for discharges of coal pile runoff.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	50.0
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report
Aluminum, Total	XXX	XXX	XXX	Report	XXX	Report
Copper, Total	XXX	XXX	XXX	Report	XXX	Report
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Iron, Total	XXX	XXX	XXX	Report	XXX	Report
Lead, Total	XXX	XXX	XXX	Report	XXX	Report
Manganese, Total	XXX	XXX	XXX	Report	XXX	Report
Zinc, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0.161 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	336	649	XXX	29.7	72.8	91.0
Oil and Grease	28.1	83.9	XXX	7.76	10.0	XXX
Ammonia-Nitrogen	43.5	147	XXX	25	85	106
Cyanide, Total	7.68	11.0	XXX	4.41	6.30	7.88
Benzo(a)Pyrene	0.023	0.041	XXX	0.01297	0.02325	0.02906
Naphthalene	0.023	0.041	XXX	0.01307	0.02344	0.0293
Phenolics, Total	0.087	0.174	XXX	0.050	0.100	0.125

In addition, the permit contains the following major special conditions: a schedule of compliance for water quality limits at Outfall 001; storm water requirements; and chemical additives requirements.

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*

**PA0264300**, Sewage, SIC Code 8800, **John R. Forbes**, 1944 Buxton Road, Titusville, PA 16354. Facility Name: John R. Forbes SRSTP. This proposed facility is located in Cherrytree Township, **Venango County**.

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

The receiving stream(s), Unnamed Tributary to Cherrytree Run, is located in State Water Plan watershed 16-E 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 Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

**PA0263516**, Industrial, SIC Code 1389, **Fluid Recovery Services, LLC**, P. O. Box 232, Creekside, PA 15732-0232. Facility Name: Fluid Recovery Services Rouseville Facility. This existing facility is located in Cornplanter Township, **Venango County**.

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

The receiving stream(s), Oil Creek, is located in State Water Plan watershed 16-E 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 0.08 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	0.08	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	53.0	163.0	163
Total Suspended Solids	Report	Report	XXX	11.3	29.6	29.6
Total Dissolved Solids	Report	Report	XXX	500.0	1,000.0	1,250
Oil and Grease	Report	XXX	XXX	15.0	XXX	30.0
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Acidity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO <sub>3</sub> ) Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
Antimony, Total	Report	Report	XXX	0.0312	0.111	0.111
Arsenic, Total	Report	Report	XXX	0.0199	0.0993	0.0993
Barium, Total	Report	Report	XXX	10.0	20.0	25
Cadmium, Total	Report	Report	XXX	0.0102	0.0172	0.0255
Chromium, Total	Report	Report	XXX	0.0522	0.167	0.167
Cobalt, Total	Report	Report	XXX	0.0703	0.182	0.182
Copper, Total	Report	Report	XXX	0.216	0.659	0.659
Iron, Total	Report	Report	XXX	3.0	6.0	7.5
Lead, Total	Report	Report	XXX	0.160	0.350	0.4
Manganese, Total	Report	Report	XXX	2.0	4.0	5
Mercury, Total	Report	Report	XXX	0.000246	0.000641	0.000641
Nickel, Total	Report	Report	XXX	0.309	0.794	0.794
Selenium, Total	Report	Report	XXX	0.0698	0.176	0.176
Silver, Total	Report	Report	XXX	0.0122	0.0318	0.0318
Strontium, Total	Report	Report	XXX	10.0	20.0	25
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Tin, Total	Report	Report	XXX	0.0367	0.0955	0.0955
Titanium, Total (as Ti)	Report	Report	XXX	0.00612	0.0159	0.0159
Vanadium, Total	Report	Report	XXX	0.0518	0.0628	0.13
Zinc, Total	Report	Report	XXX	0.252	0.657	0.657
o-Cresol	Report	Report	XXX	0.561	1.92	1.92
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.265
Phenol	Report	Report	XXX	1.08	3.65	3.65
Acetone	Report	Report	XXX	7.97	30.2	30.2
Acetophenone	Report	Report	XXX	0.0562	0.114	0.141
Benzene	Report	XXX	XXX	Report	XXX	XXX
Butyl Benzyl Phthalate	Report	Report	XXX	0.0887	0.188	0.222
Chloride	Report	Report	XXX	250.0	500.0	625
Bromide	Report	XXX	XXX	Report	XXX	XXX
2-Butanone	Report	Report	XXX	1.85	4.81	4.81
Bis(2-Ethylhexyl)Phthalate	Report	Report	XXX	0.101	0.215	0.253
Fluoranthene	Report	Report	XXX	0.0268	0.0537	0.067
Carbazole	Report	Report	XXX	0.276	0.598	0.698
n-Decane (lbs/min)	Report	Report	XXX	0.437	0.948	1.09
n-Octadecane	Report	Report	XXX	0.302	0.589	0.755
p-Cresol	Report	Report	XXX	0.205	0.698	0.698
Pyridine	Report	Report	XXX	0.182	0.37	0.455

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

- Chemical Additives

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

The EPA Waiver is not in effect.

### 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. WQG02151602**, Sewage, **Valley Forge Sewer Authority**, 333 Pauling Road, Phoenixville, PA 19460.

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

Description of Action/Activity: Sewer connections for 332 new residential lots and 1 connection for the clubhouse facility.

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

**WQM Permit No. 463S81 A-4**, Sewage, **Mount Pleasant Borough Municipal Authority Westmoreland County**, One Etze Avenue, Mt. Pleasant, PA 15666.

This existing facility is located in Mount Pleasant Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Installation of a mechanical cleaned bar screen at existing STP.



**WQM Permit No. 0415402**, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001.

This proposed facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity:

Construction of a pump station and force main to serve the Shell Franklin Project.

**WQM Permit No. 0490403-A1**, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001.

This existing facility is located in Center Township, **Beaver County**.

Description of Proposed Action/Activity:

Improvements to the existing New College Pump Station necessary to accommodate flows from the proposed Shell Franklin Project.

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

**WQM Permit No. 2769401 A-1**, Sewage, PA DCNR, PO Box 120, **Cooksburg**, PA 16217-0120.

This existing facility is located in Barnett Township, **Forest County**.

Description of Proposed Action/Activity: Amendment to remove existing communitor and 2 existing centrifugal pumps and replace them with a waste basket and 2 submersible pumps.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI015116002	Isaac Newton Foundation 1800 East Byberry Road Philadelphia, PA 19116	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAI010916002	Brian Clymer 62 Brookville Hollow Road Stockton, NJ 08559	Bucks	Solebury Township	Paunacussing Creek HQ-CWF
PAI011515034	Filippo Developers 1 Devault Lane Devault, PA 19432	Chester	Charlestown Township	Valley Creek (POA 2 and 3) EV-MF Pickering Creek (POA 1) HQ-TSF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023915033	Barry Hale Patriot, LLC Route 73 & Cooper Rd. P. O. Box 1400 Voorhees, NJ	Lehigh	Upper Macungie Township	UNT to Cedar Creek (HQ-CWF, MF)
PAI023903037R(4)	Scott Faust Upper Macungie Township 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024816001	Raymond Kenwell MB Properties NJ, LLC 400 Somerset St. New Brunswick, NJ 08901	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAI024814016(1)	Michael Ronca & Sons, Inc. David Ronca 179 Mikron Road Bethlehem, PA 18020	Northampton	Plainfield Township	Bushkill Creek (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815017	Brian & Shelley Spence 2533 West Stanley Street Allentown, PA 18104	Northampton	Lower Saucon Township	Saucon Creek UNT (CWF, MF) and EV Wetland
PAI024815020	Joseph Correia JERC Partners XXII, LLC 171 State Route 173, Suite 201 Asbury, NJ 08802	Northampton	Plainfield Township	Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030714006(1)	Altoona Blair County Development Corporation Devorris Center 3900 Industrial Park Drive Altoona, PA 16602	Blair	Greenfield Township	Beaver Dam Creek (Designated Use of Water: CWF) Wetlands in floodplain of Beaverdam Creek (Designated Use of Water: EV—basin of Frankstown Br. Juniata River—nat. rep. trout waters)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050214003-1	Almono, L.P., 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222-2602	Allegheny County	City of Pittsburgh	Monongahela River (WWF-N)

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

*McKean County Conservation District, 17137 Route 6, Smethport, PA 16749*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064216001	Trans-Allegheny Interstate Line Company Attn.: Amy Ruzsala 341 White Pond Drive Akron, OH 44320	McKean	Bradford Township Lafayette Township Keating Township Lewis Run Borough	Multiple streams CWF; TSF; HQ; EV

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**PAG123513, CAFO, Franklin Hog Farm, 8815 Dry Run Road, Mercersburg, PA 17236.**

This existing facility is located in Peters Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: 1,756.45 AEUs/Swine.

The receiving stream, UNT Back Run, is in watershed 13-C, and classified for: TSF.

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

**PAG123830, CAFO, Reinford Farms**, 3449 Delta Road, Airville, PA 17302.

This proposed facility is located in Walker Township, **Juniata County**.

Description of Size and Scope of Proposed Operation/Activity: 1,041.65 AEUs/Dairy.

The receiving stream, Cedar Spring Run, is in watershed 12-B, and classified for: TSF.

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

**PAG123657, CAFO, Melvin Huber Farm**, 457 Cold Springs Road, Elizabethtown, PA 17022.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 437.69 AEUs/Poultry/Beef.

The receiving stream, Little Chiques Creek, is in watershed 7-G, and classified for: TSF.

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

**PAG123698, CAFO, Marcus Hoover Farm**, 3229 Hossler Road, Manheim, PA 17545.

This existing facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 307.2 AEUs/Poultry.

The receiving stream, Back Run, is in watershed 7-G, and classified for: TSF.

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

**PAG123703, CAFO, Robert Gochenaur III (Stone Chimney Hollow) Farm**, 3449 Delta Road, Airville, PA 17302.

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

Description of Size and Scope of Proposed Operation/Activity: 671.46 AEUs/Swine/Poultry.

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

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

**PAG123624, CAFO, JoAnn Ebling Farm**, 761 Airport Road, Bethel, PA 19507.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: 125.12 AEUs/Poultry.

The receiving stream, UNT Little Swatara Creek, is in watershed 7-D, and classified for: CWF.

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

**PAG123831, CAFO, Acorn Farms**, 14627 Lurgan Road, Orrstown, PA 17244.

This existing facility is located in Lurgan Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: 1,184.98 AEUs/Swine.

The receiving stream, UNT Paxton Run, is in watershed 7-B, and classified for: WWF.

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

**PAG123673, CAFO, Oscar Manbeck Farm, 10 Fort Henry Road, Bethel, PA 19507.**

This proposed facility is located in Bethel Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: 1,085 AEU/Swine.

The receiving stream, UNT Crosskill Creek, is in watershed 7-D, and classified for: CWF.

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

**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>
Star Rock Dairy, Inc. 175 Chestnut Grove Road Conestoga, PA 17516	York	830	2,380.75	Steers/ Heifers	NA	Renewal
Ken Meck 1503 Beaver Valley Pike Willow Street, PA 17584	Lancaster	196	356.87	Pullets/ Beef	NA	R
Scattered Acres	Columbia	2,620.0	953.46	Finishing Swine, Broiler Chickens	Mugser Run— HQ-CWF, UNT Mugser Run—HQ-CWF, UNT Roaring Creek—HQ-CWF, South Branch Roaring Creek— HQ-CWF, UNT South Branch Roaring Creek— HQ-CWF	Renewal
Keith and Denise Leydig 594 Cumberland Highway Berlin, PA 15530	Somerset	456.5	682.85	Swine	Brush Creek-HQ	New

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 0916501**, Public Water Supply  
 Applicant **North Penn Water Authority**  
 Township New Britain  
 County **Bucks**  
 Responsible Official Daniel Preston  
 North Penn Water Authority  
 300 Forty Foot Road  
 Lansdale, PA 19446  
 Type of Facility PWS  
 Consulting Engineer BCM Engineer  
 920 Germantown Pike  
 Suite 200  
 Plymouth Meeting, PA 19462

Application Received Date January 21, 2016  
 Description of Action Installation of approximately 5,000 feet of 30 inch transmission main in New Britain Township, Bucks County and approximately 40 feet of main in Hatfield Township, Montgomery County.

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

**Application No. 3516501**, Public Water Supply.  
 Applicant **Pennsylvania American Water**  
 800 West Hersheypark Dr.  
 Hershey, PA 17033  
 [Township or Borough] Jessup Borough  
 Responsible Official David R. Kaufman,  
 VP—Engineering  
 Pennsylvania American Water  
 800 West Hersheypark Dr.  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer John P. Scheuer, PE  
 BCM Engineers  
 1001 Lackawanna Trail  
 Clarks Summit, PA 18411

Application Received Date 2/16/2016  
 Description of Action Application proposes capacity and reliability improvements to Jessup Water Booster Pumping Stations 1 & 2.

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

**Permit No. 3816501**, Public Water Supply.  
 Applicant **Spring Meadow Ranch Spring**  
 Municipality South Londonderry Township  
 County **Lebanon**  
 Responsible Official Diana 'Orley, Owner  
 1486 Mt. Wilson Road  
 Lebanon, PA 17042-3828  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas W. Schreffler, P.E.  
 Light-Heigel & Associates Inc.  
 430 East Main Street  
 Palmyra, PA 17078  
 Application Received: 1/29/2016  
 Description of Action Installation of UV light disinfection units at four (4) residential houses and modification to an existing vended water dispensing unit.

**Permit No. 2116503**, Public Water Supply.  
 Applicant **Pinnacle Health Systems**  
 Municipality Hampden Township  
 County **Cumberland**  
 Responsible Official Paul Toburen, Vice President of Support Services  
 111 South Front Street  
 Harrisburg, PA 17101-2099  
 Type of Facility Public Water Supply  
 Consulting Engineer Jamie R. Shambaugh, P.E.  
 Gannett Fleming, Inc.  
 PO Box 67100  
 Harrisburg, PA 17106-7100  
 Application Received: 2/4/2016  
 Description of Action Installation of of UV light disinfection units at the West Shore Hospital.

**Permit No. 2216501**, Public Water Supply.  
 Applicant **Harrisburg Dairies, Inc.**  
 Municipality Harrisburg  
 County **Dauphin**  
 Responsible Official Miles Zehring, Plant Manager  
 2001 Herr Street  
 Harrisburg, PA 17103  
 Type of Facility Public Water Supply  
 Consulting Engineer R Edward Spayd III, P.E.  
 Herbert Rowland & Grubic Inc  
 369 East Park Drive  
 Harrisburg, PA 17111  
 Application Received: 1/5/2016  
 Description of Action Installation of a new 1-gallon water bottling line.

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

**Permit No. 3016502**, Public Water Supply.  
 Applicant **Southwestern Pennsylvania Water Authority**  
 PO Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344  
 [Township or Borough] Cumberland Township  
 Responsible Official John Golding, Manager  
 Southwestern Pennsylvania Water Authority  
 PO Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 Suite 200  
 267 Blue Run Road  
 Cheswick, PA 15024  
 Application Received Date February 11, 2016  
 Description of Action Installation of a liquid ammonium sulfate feed system at the Tin Can Hollow water treatment plant.

**Permit No. 0216502**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] Chartiers Township  
 Responsible Official David R. Kaufman,  
 V.P.-Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Water system  
 Consulting Engineer Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 4th Avenue  
 Coraopolis, PA 15108  
 Application Received Date February 1, 2016  
 Description of Action Construction of a water booster station and installation of approximately 4,200 feet of 8-inch diameter and 2,100 feet of 4-inch diameter waterline (Paxton Farm Road waterline project).

#### MINOR AMENDMENT

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

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

#### Application No. 5034-T1, Minor Amendment.

Applicant **West Carroll Water Authority**  
 PO Box 328  
 Elmora, PA 15737  
 [Township or Borough] West Carroll Township  
 Responsible Official Monica Lantzy, President  
 West Carroll Water Authority  
 PO Box 328  
 Elmora, PA 15737  
 Type of Facility Water system  
 Consulting Engineer  
 Application Received Date February 8, 2016  
 Description of Action Transfer of the Watkins Area water system to West Carroll Water Authority.

#### Application No. 6590501-T1, Minor Amendment.

Applicant **Hillview Estates, Inc.**  
 135 Bailey Road  
 Greensburg, PA 15601  
 [Township or Borough] Salem Township  
 Responsible Official Michele Musgrove, Co-owner  
 Hillview Estates, Inc.  
 135 Bailey Road  
 Greensburg, PA 15601  
 Type of Facility Water system

Consulting Engineer  
 Application Received February 1, 2016  
 Date  
 Description of Action Transfer of Bailey's Mobile Home  
 Park to Hillview Estates, Inc.

### 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.*

**WA-355**, Water Allocation, **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, Conyngham Township, **Luzerne County**. The applicant has requested that the Department rescind the referenced Order of Confirmation, issued to Citizens Water Company of Wapwallopen, which approved the withdrawal of the entire flow to be taken from two springs, about one mile northeast of Wapwallopen Village. The two springs have been acquired by Aqua Pennsylvania, Inc., which does not intend to use the two springs now or in the future.

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

**WA4-881B**, Water Allocations. **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123, **Beaver County**. The applicant is requesting the right to purchase 220,000 gallons of water per day, average day, from North Sewickley Township Municipal Authority.

**WA4-881C**, Water Allocations. **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123, **Beaver County**. The applicant is requesting the right to purchase 220,000 gallons of water per day, average day, on an emergency basis, from Zelienople Borough.

## 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:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Tenaska Sparrow Hawk Impoundment**, 881 Frost Road, Covington Township, **Tioga County**. Moody & Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892 on behalf Tenaska Resources, LLC, 601 Technology Drive, Suite 100, Canonsburg, PA 15317, submitted a Notice of Intent to Remediate. The water impoundment was designed for use as a gas exploration and production operations. Contamination consistent with a brine release was detected in the soil beneath the impoundment liner. The Notice of Intent to Remediate was published in *The Wellsboro Gazette* on December 2, 2015.

**Tenaska Strange Impoundment**, 292 Rumsey Hill Road, Sullivan Township, **Tioga County**. Moody & Associates, Inc., 685 Broad Street Extension Suite 1, Waverly, NY 14892, on behalf of Tenaska Resources, LLC, 601 Technology Drive, Suite 100, Canonsburg, PA 15317, submitted a Notice of Intent to Remediate. The water impoundment was designed for use as a gas exploration and production operations. Contamination consistent with a brine release was detected in the soil beneath the impoundment liner. The Notice of Intent to Remediate was published in *The Wellsboro Gazette* on December 2, 2015.

**GKN Sinter Metals**, 15420 RT 120/Junction of PA State Route 120 and PA State Route 155, Shippen Township, **Cameron County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of Gleason Corporation, 1000 University Avenue, Rochester, NY 14692-2970 submitted a Notice of Intent to Remediate. Trichloroethene (TCE) is present in the groundwater of the property. The powdered metals manufacturing facility is expected to continue operations for the foreseeable future.

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

**Solanick 5H Well Pad**, 820 Stony Mountain Road, Washington Township, **Wyoming County**. Moody and Associates, Inc., 685 Broad Street Extension, Waverly, NY 14892, on behalf of Carrizo (Marcellus) LLC, 251 Drain Lick Road, Drifting, PA 16834, submitted a Notice of Intent to Remediate. On February 12, 2011 an estimated 1,500 gallons of oil-based drilling mud and approximately 40 gallons of diesel fuel was released to the soil. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Wyoming County Press Examiner* on February 10, 2016.

**Former John Hearn Residence**, 120 Canal Street, Port Carbon Borough, **Schuylkill County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703, on behalf of Harleysville Insurance, PO Box 227, Harleysville, PA 19438 submitted a Notice of Intent to Remediate. A release of #2 fuel oil occurred at the site with impacts to shallow soil and groundwater. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Republican-Herald* on January 28, 2016.

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

**Domestic Casting Company LLC**, 275 North Queen Street, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of Domestic Casting Company LLC, 620 Liberty Road, Delaware, OH 43015, submitted a Notice of Intent to Remediate site soils contaminated with arsenic. The site will be remediated to the Site Specific Standard. Future use of the site is for commercial use. The Notice of Intent to Remediate was published in *The News-Chronicle* on January 15, 2016.

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

**Christian H. Buhl Legacy Trust Site**, 745 East State Street, City of Sharon, **Mercer County**. Environmental Geo-Services, 678 Georgetown Road, Hadley, PA 16130, on behalf of Christian H. Buhl Legacy Trust, 7 West State Street, Suite 208, Sharon, PA 16146, submitted a Notice of Intent to Remediate. Historically, the site was occupied by a gasoline automotive fueling station. Sampling results indicate site soil has been contaminated with benzene, naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, lead and site groundwater has been contaminated with benzene, 1,2-dichloroethane, ethylbenzene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Notice of Intent to Remediate was published in *The Herald* on January 28, 2016.

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

**Former Zoldos, et al. Lands**, 961 South 88 Road, Cumberland Township, **Greene County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086 on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602 has submitted a Notice of Intent to Remediate (NIR) to meet the Site-Specific standard concerning site groundwater contaminated with bis(2-ethylhexyl)-phthalate and chloromethane. Intended future use of the property is non-residential. Notice of the NIR was published in the *Herald-Standard* on 10/21/2015.

**5301 Butler Street Property**, 5301 Butler Street, City of Pittsburgh—10th Ward, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Schreiber Real Estate, 5840 Ellsworth Avenue, Pittsburgh, PA 15232 has submitted a Notice of Intent to Remediate (NIR) to meet the Site-Specific standard concerning site soils contaminated with petroleum related constituents from underground storage tanks and prior use of the property as a gasoline station. Notice of the NIR was published in the *Tribune-Review* on February 5, 2016.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass*

**5400 Tulip Street**, 5400 Tulip Street, City of Philadelphia, **Philadelphia County**. Richard S. Werner, PG, Environmental Inc., 2002 Renaissance Blvd Suite 110, King of Prussia, PA 19406 on behalf of Joe DePascale, Philadelphia-Harbiton, LP, 166 Nassau Street, Princeton, NJ 08542 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pah, arsenic, lead, trichloroethene and vocs. The proposed future use of the property will be non-residential for commercial/retail purposes. The Notice of Intent to Remediate was published in the *Philly Weekly* on February 4, 2016. PF618998.

**Paaring Southampton Road Armory**, 2700 South Southampton Road, City of Philadelphia, **Philadelphia County**. Toby Tucker, Converse Consultants, 2738 West College Avenue, State College, PA 16801, David W. Sweetland, P.G., Converse Consultant, 2738 West College Avenue, State College, PA 16801 on behalf of Joan Anderson, PA DMVA, Environmental Section, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property is non-residential. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on December 7, 2015. PF707867.

**Custom Particle Reduction Inc.**, 5189 Stump Road, Plumstead Township, **Bucks County**. Jaclyn Baron, UHL & Associates, Inc., 278 North Union Street, Suite 106, Lambertville, NJ 08530 on behalf of Dennis K. Rice, RCP Partnership, 5189 Stump Road, Plumsteadville, PA 18949 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the other organics. The intended future use of the site is residential. The Notice of Intent to Remediate was published in the *Intelligencer* on February 4, 2016. PF7807249.



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**MUNICIPAL WASTE GENERAL PERMIT**


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**Renewal Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM028SW004. Monroeville LFG, LLC**, 680 Anderson Drive, Foster Plaza 10, 5th Floor, Pittsburgh, PA 15220-2759.

General Permit No. WMGM028SW004. The renewal is under Municipal Waste General Permit WMGM028 for Monroeville LFG, LLC at 602 Thomas Street Extension, Monroeville, PA 15146. A municipal waste general permit for the beneficial use of converting landfill gas to high BTU pipeline quality natural gas at a municipal waste landfill in the Municipality of Monroeville, **Allegheny County**. Central Office determined the renewal to be administratively complete on February 22, 2016.

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 WMGM028SW004" 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.

**General Permit Application No. WMGM028SW005. Valley LFG, LLC**, 680 Anderson Drive, Foster Plaza 10, 5th Floor, Pittsburgh, PA 15220-2759.

General Permit No. WMGM028SW005. The renewal is under Municipal Waste General Permit WMGM028 for Valley LFG, LLC at 801 Raymaley Road, Harrison City, PA 15636. A municipal waste general permit for the beneficial use of converting landfill gas to high BTU pipeline quality natural gas at a municipal waste landfill in Penn Township, **Westmoreland County**. Central Office determined the renewal to be administratively complete on February 22, 2016.

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 WMGM028SW005" 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.

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**MODIFICATIONS AND CONSOLIDATION OF RESIDUAL WASTE GENERAL PERMITS WMGM028, WMGM033 AND WMGM034**


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**Permit Modification Proposed Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; 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 Numbers WMGM028, WMGM033 and WMGM034.** These general permits authorize the processing and beneficial use of landfill gas (LFG) for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity.

This submission replaces the original February 20, 2016, *Pennsylvania Bulletin* notice which contained typos and missing permit numbers that will be part of the consolidation of the previously listed permits.

The proposed modifications would consolidate the three general permits into a single general permit, WMGM055, and authorize the processing and beneficial use of landfill gas (LFG) for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity.

The Department of Environmental Protection (Department) is soliciting public comment on proposed modifications to the consolidated WMGM055 in order to provide clarity for the regulated community, general public and the Department.

If the proposed modifications to consolidate the above permits are accepted the following permit numbers for the applications will change as listed:

**WMGM034 to WMGM055SC001** received on June 2, 2015 from EPP Renewable Energy located in **Lancaster County**, Manor Township.

**WMGM034002A to WMGM055SC001A** was originally received on June 1, 2015 from EPP Renewable Energy, located in **Lebanon County**, North Annville Township.

**WMGM034002B to WMGM055SC001B** was originally received on June 1, 2015 from EPP Renewable Energy, located in **Cumberland County**, Hopewell Township.

**WMGM034002C to WMGM055NW001C** was originally received on June 1, 2015 from EPP Renewable Energy, located in **Bradford County**, Burlington Township.

**WMGM034002D to WMGM055NE001D** was originally received on June 1, 2015 from EPP Renewable Energy, located in **Northampton County**, Glendon Borough.

**WMGM034002E to WMGM055NC001E** was originally received on June 1, 2015 from EPP Renewable Energy, located in **Lycoming County**, Brady Township.

**WMGM034002F to WMGM055SC001F** was originally received on June 1, 2015 from EPP Renewable Energy, located in **Franklin County**, Greene Township.

**WMGM034D001 to WMGM055SC002** was originally received on November 30, 2015 from Pioneer Crossing Energy, LLC located in **Berks County**, Exeter Township.

**WMGM033 to WMGM055NE003** was originally received on April 4, 2005 from Bethlehem Renewable Energy, LLC located in the City of Bethlehem, **Northampton County**.

**WMGM028 to WMGM055SC004** was originally received on April 10, 2015 from Granger Energy of Morgantown, LLC located in **Berks County**, Caernarvon Township.

**WMGM028D004 to WMGM055SC005** was originally received on April 10, 2015 from Granger Energy of Honey Brook, LLC located in **Lancaster County**, New Holland Borough.

**WMGM028SW001 to WMGM055SW006** was originally received on November 09, 2015 from Johnstown Regional Energy, LLC located in **Cambria County**, Jackson Township.

**WMGM028SW002 to WMGM055SW006A** was originally received on November 09, 2015 from Johnstown Regional Energy, LLC located in **Somerset County**, Shade Township.

**WMGM028SW003 to WMGM055SW006B** was originally received on November 09, 2015 from Johnstown Regional Energy, LLC located in **Somerset County**, Conemaugh Township.

**WMGM028SW004 to WMGM055SW007** was originally received on November 09, 2015 from Monroeville LFG, LLC located in **Allegheny County**, Monroeville Township.

**WMGM028SW005 to WMGM055SW008** was originally received on November 09, 2015 from Valley LFG, LLC located in **Westmoreland County**, Penn Township.

Written comments concerning the general permit 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 WMGM055" 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.

## 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.

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**PLAN APPROVALS**


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

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

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

**35-00070A: Archbald Energy Partners, LLC** (72 Glenmaura National Blvd., Moosic, PA 18507) for the construction and operation of a natural gas fired 485 MWs combined cycle power plant with controls at their facility to be located in Archblad Borough, **Lackawanna County**.

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

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

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

**23-0066D: Pyropure Inc. dba Pyromet**, (5 Commerce Drive, Aston, PA 19014) to remove operating hour limitation from the silver recovery furnace (Source Id 107) at the Aston facility located in Chester Township, **Delaware County**. Pyromet uses a natural gas fired silver recovery furnace to combust silver-laden photographic and x-ray films and extract usable silver metal. The silver recovery furnace and nitric acid digester (Source Id 108) were installed under plan approval No. 23-0066C issued in 2013. Pyromet is a minor facility and operates under State-Only operating permit No. 23-00066. The potential emissions from the sources under this plan approval are: NO<sub>x</sub>—4.91 TPY, CO—41.5 TPY, PM—5.65, VOCs—4.42 TPY, and HAPs—3.92 TPY. Pyromet has a facility wide PM emission limit of 65.72 TPY. The plan approval contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

**21-05056A: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17050) for construction of a web offset printing press and afterburner unit at their Building 4 plant in Silver Spring Township, **Cumberland County**. Potential VOC emissions associated with the new press are estimated at less than 6 tons per year. Facility VOC emissions will continue to be capped at 50 tons per consecutive 12-month period. The Plan Approval will include stack testing, emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**01-05033B: Knouse Foods Cooperative, Inc.** (800 Peach Glen-Idaville Road, Peach Glen, PA 17375) for construction of a combined heat and power (CHP) project to include an anaerobic digester, combustion flare, IC engine/generator set and catalytic oxidizer at their Peach Glen facility in Huntington Township, **Adams County**. Facility emissions will continue to be capped at major source levels and the plant's boiler plant will continue to be its main emissions source. Estimated potential annual emissions from the CHP project include 8.1 tons of nitrogen oxides (NO<sub>x</sub>), 3.8 tons of carbon monoxide (CO) and 2.4 tons of volatile organic compounds (VOC). The Plan Approval will include stack testing, emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**PA-26-00500C (Mod):** In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval modification to **Alpha PA Coal Terminal, LLC (Alpha)** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) to allow Alpha (in addition to the activities authorized in PA-26-00500C) to build an alternative barge loadout system; increase the stockpile throughput to 580,000 tpy; and haul coal by truck from barge to stockpile in emergency conditions at their existing coal handling and transfer 'LaBelle Dock' facility located at 106 East Fredericktown Road in Luzerne Township, **Fayette County**.

Emissions from coal handling facility will be controlled by applying Best Available Technology (BAT) including water sprays, enclosures and other fugitive particulate matter control measures.

Upon authorization of this plan approval, the facility potential to emit will be approximately 33.0 tons of PM, 12.0 tons of PM<sub>10</sub>, and 2.0 tons of PM<sub>2.5</sub> on an annual basis. This plan approval will contain throughput restrictions and monitoring, recordkeeping, reporting and work practice conditions. The throughput restriction, monitoring, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 25 Pa. Code Chapters 123, 127, 129, and 135.

A person may oppose the proposed plan approval by filing a written protest with the Department through Jesse Parihar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Written comments may also be submitted via the same methods. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-26-00500C(Mod)), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

Alpha's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

To request a review of the Alpha's Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

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

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328*

**43-305F: Champion Carrier Corporation** (2755 Kirila Road, Hermitage, PA 16148) for the installation of four (4) paint booths at their facility in the City of Hermitage, **Mercer County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-305F to Champion Carrier Corporation for the installation of a four (4) paint booths at their facility in the City of Hermitage, Mercer County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-305F is for the installation of four (4) paint booths with associated panel filters, which will be used to apply coatings to fabricated metal components. Based on the information provided by the applicant and DEP's own analysis, total emissions from sources at this site will not exceed 49.1 tons of volatile organic compounds (VOC), and 4.77 tons of total hazardous air pollutants (HAP) per year.

The Plan Approval will contain additional monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 43-305F and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Christina Nagy, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

## OPERATING PERMITS

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

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

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

**48-00032: Grand Central Sanitary Landfill, Inc.** (910 W. Pennsylvania Avenue, Pen Argyl, PA 18072) for landfill operations in Plainfield Township, **Northampton County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The sources consist of landfill and gas collection systems and diesel generators. The sources are controlled by flares. The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

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

**06-05007: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601) to issue a Title V Operating Permit for the Reading Plant located in Reading City, **Berks County**. The actual emissions from the facility in 2014 year are estimated at 413 tons CO, 246 tons NO<sub>x</sub>, 86 tons PM<sub>10</sub>, 32 tons PM<sub>2.5</sub>, 22 tons SO<sub>x</sub> and 72 tons VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63, CAM, 40 CFR 60 Subpart Dc, 40 CFR 60 Subpart AAa, 40 CFR 60, Subpart 60 Subpart JJJJ, 40 CFR 61 Subpart E, 40 CFR 63 Subpart T and 40 CFR 63 Subpart ZZZZ.

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

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

**27-00015: Kinder Morgan Incorporated, previously Tennessee Gas Pipeline Company-Station 307** (State Highway 66, Marienville, PA 16239) for renewal of the Title V Operating Permit. The facility is located in the Howe Township, **Forest County**. Kinder Morgan Incorporated transports natural gas through a system of compressors and pipeline. The emitting sources at the facility are: a) 2B Boiler b) A1C 2,000, Horse Power (HP) Pipeline Compressor Engine, c) A2C 2,000 HP Pipeline Compressor Engine, d) A3C 2,000 HP Pipeline Compressor Engine, e) A4C 2,000 HP Pipeline Compressor Engine, f) A5C 2,000 HP Pipeline Compressor Engine, g) A6C 2,000 HP Pipeline Compressor Engine, h) A1 AUX 408 HP Electric Emergency Power Generating Set, i) A2 AUX 370 HP Electric Emergency Power Generating Set, j) Combined Miscellaneous Natural Gas Sources, k) Fugitive Natural Gas Leaks and Venting and, l) Two degreas-

ers. Source IDs: 137 and 138: The emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the permit. The potential emission summaries submitted by the facility in the permit renewal application are Oxides of Nitrogen (NO<sub>x</sub>): 956.9 Tons per year (TPY), Carbon Monoxide (CO) 354.9 TPY, Volatile Organic Compound (VOC) 72.0 TPY, Oxides of Sulfur (SO<sub>2</sub>) 0.4 TPY, Particulate Matters Less Than 10 Microns (PM<sub>10</sub>) 17.5 TPY, Hazardous Air Pollutants (HAP): 58.7 TPY, and, Formaldehyde (HCHO) 37.3 TPY.

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

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

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

**23-00026: Glasgow, Inc.** (PO Box 1089, Glenside, PA 19038) for renewal of the State Only Operating Permit for an asphalt plant located in Springfield Township, **Delaware County**. The facility is currently inactive. The renewal requires adherence to a reactivation plan, which includes replacement or black light testing of the bags in the Baghouse, which controls particulate emissions. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. Upon reactivation, the asphalt plant will be stack tested for compliance with previously approved short term emissions levels of 43 ppm (nitrogen oxides), 95 ppm (volatile organic compounds), 13.95 lbs/hr and 0.02 grain/dry standard cubic foot (particulate matter), 30 ppm (sulfur dioxide), and 80 ppm (carbon monoxide). The facility shall remain a synthetic minor facility with the following long term emissions limits in tons/year: 4.86 (nitrogen oxides), 4.96 (volatile organic compounds), 13.30 (particulate matter), 5.99 (sulfur dioxide) and 7.87 (carbon monoxide). The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**40-00100: Coates Toners** (555 Country Clubs Rd, Dallas, PA 18612-9170) for the operation of a cyclic crude and intermediate manufacturing operation in Dallas Township, **Luzerne County**. The sources consist of three (3) mill processes. The control devices include ten (10) baghouses, seven (7) cyclones, and one (1) classifier. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**48-00066: Polymer Products, Inc.** (100 Station Ave, Stockertown, PA 18083) for the operation of a custom resin compounding operation in Stockertown Borough, **Northampton County**. The sources consist of a plastic compounding process, three (3) resin storage silos, and one (1) transfer silo. The control devices include one (1) cyclone, one (1) cartridge collector, and one (1) wet scrubber. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emis-

sion limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**39-00029: Gulf Oil LTD Partnership—Fullerton Terminal** (100 Crossing Blvd., Farmington, MA 01702) for Petroleum Bulk Stations and Terminals in Whitehall Township, **Lehigh County**. The sources consist of gasoline and distillate storage tanks and one (1) Truck Loading Rack. The control device consists of one (1) Vapor Recovery Unit (VRU). The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable State and Federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

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

**21-03114: Hoffman Funeral Home, Inc.** (2020 W. Trindle Road, Mechanicsburg, PA 17013) to issue a State Only Operating Permit for the human crematory at their facility in North Middleton Township, **Cumberland County**. Potential emissions of particulate matter (PM) from the crematory are estimated at 0.98 ton per year; potential nitrogen oxides (NO<sub>x</sub>) emissions are estimated at 0.42 ton per year. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**12-00010: Pennsylvania Sintered Metals, Inc., d/b/a PSM Brownco** (2950 Whittimore Road, P. O. Box 308, Emporium, PA 15834-2032) to issue a renewal State only operating permit for their facility located in Emporium Borough, **Cameron County**. The facility is currently operating under State Only Operating Permit 12-00010. The facility's sources include three (3) natural gas fired space heaters, three (3) electric-fired sintering furnaces, a sizing operation and a parts washer. The facility has potential emissions of 0.20 ton per year of nitrogen oxides, 0.09 ton per year of carbon monoxide, 0.01 ton per year of sulfur oxides, 1.99 ton per year of particulate matter, and 3.04 tons per year of volatile organic compounds. 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.

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

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

**65-00599: Saint Vincent College** (300 Fraser Purchase Road, Latrobe, PA 15650), for a facility-wide Synthetic Minor Operating Permit renewal for the operation of a college campus with a boiler house, known as the Latrobe Campus, located in Unity Township, **Westmoreland County**. The facility contains air contamination sources consisting of two boilers as primary sources. Both of these boilers (Boilers 1 and 2, Source IDs 031 and 032, 16.7 MMBtus/hr each) can be fired by either natural gas or coal. The facility is limited to a maximum annual coal use of 3,000 tpy, with a maximum sulfur content of 1.5% sulfur. The facility also contains eleven emergency generator engines (8 NG-fueled, 258 total bhp and 3 diesels, 224 total bhp). Facility emissions are 85.7 tons of SO<sub>2</sub>, 26.0 tons of CO, 16.4 tons of NO<sub>x</sub>, 3.3 tons of PM<sub>10</sub>, 2.4 tons of PM<sub>2.5</sub>, 2.4 tons of VOC, 2.9 tons of all HAPs combined, and 22,425 tons of CO<sub>2e</sub> per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines.) and Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

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

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 65-00599) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion,

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

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhauser@pa.gov, FAX 412-442-4194)

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

When an NPDES number is listed, the mining activity permit application was accompanied by an application for

an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

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

**30810703 and NPDES No. PA0092894. Consol Pennsylvania Coal Company LLC**, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill and Morris Townships, **Greene County** and related NPDES permit to add support area acres for proposed Coal Refuse Disposal Areas No. 7 and No. 8 and add NPDES Outfall 101. Coal Refuse Disposal Support Acres Proposed 287.0. Application also includes a request for a Section 401 Water Quality Certification. Receiving Stream: Unnamed Tributary to Enlow Fork, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Bailey Deep Mine Non-Community Public Water Supply and intake Enlow Fork. The application was considered administratively complete on June 26, 2015. Application received February 17, 2015.

**30141301 and NPDES No. PA0235741. Foundation Mining, LLC**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To operate the Foundation Mine in Center, Jackson and Richhill Townships, **Greene County** and related NPDES Permit to operate a new underground mine, build a shaft site and a new NPDES discharge point. Surface Acres Proposed 25.4, Underground Acres Proposed 9,438.0, Subsidence Control Plan Acres Proposed 6,768.0. Receiving Stream: House Run, classified for the following use: HQ-WWF. The application was considered administratively complete on February 18, 2016. Application received January 20, 2016.

**32841317 and NPDES No. PA0037107. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Lucerne No. 9 Mine in Young Township, **Indiana County** to and related NPDES Permit from Helvetia Coal Company to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on February 22, 2016. Application received October 15, 2015.

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

**17990102 and NPDES No. PA0238236. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in

Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream(s): UNT to Shimel Run and Little Laurel Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2016.

**17150103 and NPDES No. PA0269697. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface mine in Sandy Township, **Clearfield County** affecting 97.7 acres. Receiving stream(s): Unnamed Tributaries to Sandy Lick Creek classified for the following use(s): CWF. This application also includes a stream encroachment for crossing over unnamed tributary 4 and to follow existing access road within 100 feet of unnamed tributary 5. There are no potable water supply intakes within 10 miles downstream. Application received: January 8, 2016.

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

**26950201 and NPDES Permit No. PA0201081. Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in Redstone Township, **Fayette County**, affecting 124.5 acres. Receiving stream: unnamed tributary to Fourmile Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 16, 2016.

**65010101 and NPDES Permit No. PA0202908. M.B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Renewal application for reclamation only to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 197 acres. Receiving streams: unnamed tributary to Miller Run and to Saxman Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 17, 2016.

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

**Permit No. 54850108R6. Locust Valley Culm Co., LLC**, (PO Box 279, St. Clair, PA 17970), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 36.6 acres, receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: February 16, 2016.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0256838 (Mining permit no. 17080109), Corey L. Shawver DBA Hilltop Coal Company, 12 Dutchtown Road, Houtzdale, PA 16651.** Renewal of an NPDES permit for coal surface mining in Bigler Township, Clearfield County, affecting 164.9 acres. Receiving stream(s): UNT to Japling Run and UNT to Beaver Run, classified for the following use(s): Cold Water Fisheries. Application received: September 30, 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 require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF1	N
TF2	N
TF3	N
TF4	N
TF5	N

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0594431 (Mining Permit No. 50890301), New Enterprise Stone and Lime Company, Inc.**, dba Eastern Industries, Inc., 3724 Crescent Court West, Whitehall, PA 18052, renewal of an NPDES permit for sandstone quarry in Buffalo Township, **Perry County**, affecting 90.3 acres. Receiving stream: unnamed tributary to Susquehanna River, classified for the following use: warm water fishes.

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 Susquehanna River:

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

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

<i>Outfalls: 001, 002, 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspend Solids (mg/l)	35.0	70.0	90.0
Total Iron (mg/l)	3.5	7.0	N/A
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

**NPDES No. PA0258008 (Permit No. 33050304). Glen-Gery Corporation** (1166 Spring Street, Reading, PA 19610) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Oliver Township, **Jefferson County**, affecting 51.5 acres. Receiving streams: Beaver Run, classified for the following uses: HQ-CWF & CWF. TMDL: Beaver Run. Application received: January 11, 2016.

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

The outfall(s) listed below discharge to Beaver Run (CWF):

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to Beaver Run (CWF):

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N

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

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

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**EA15-016. Kennett Square Golf & Country Club**, 100 East Locust Lane, Kennett Square, PA 19348, East Marlborough Township, **Chester County**, ACOE Philadelphia District.

To perform water obstruction and encroachment activities within an existing 0.08 acre pond that drains to the East Branch Red Clay Creek (Perennial, TSF, MF). The proposed restoration activities include filling the pond

with soil to a depth to allow for the development of emergent wetlands and riparian enhancements along a small spring feed watercourse that feeds the pond.

The site is located on the Kennett Square Golf & Country Club property, Kennett Square, PA 19348 (Kennett Square, PA USGS Quadrangle, Latitude 39.865086 N°; Longitude -75.708746 W°).

**E23-526. Agilyx Corporation**, 9600 SW Nimbus, Suite 260, Beaverton, OR 87008-7386, Marcus Hook Borough, **Delaware County**, ACOE Philadelphia District.

To redevelop and maintain an existing industrial site, partially located within the floodway and floodplain of the Marcus Hook Creek (WWF, MF). The project is associated with the facility that converts pre-processed recycled plastics into synthetic oil.

The site is located near 401 Penn Avenue (Marcus Hook—PA USGS Quadrangle latitude: 39.817824, longitude: -75.409009.

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

**E66-162. Mr. Vincent Riggi**, 1309 Elk View Dr, S Abington, PA 18411, in Overfield Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing boathouse and to construct and maintain a pile supported boathouse/dock in Lake Winola (CWF, MF) having 1,326 square-foot surface area over the lake. The project is located along Point Road. (Factoryville, PA Quadrangle, Latitude: 41°30'50"; Longitude: -75°50'56.4").

**E40-778. Mr. Marshall Rumbaugh**, P. O. Box 151, Dallas, PA 18612, in Dallas Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a roadway crossing of an Unnamed Tributary of Toby Creek (CWF) and to fill a de minimus area of EV wetlands equal to 0.047 acre for the purpose of constructing a 12-foot wide driveway to allow access to the residential home. The project is located approximately 0.2 mile northeast of the intersection of Upper Demunds Road and Glendalough Road (Kingston, PA Quadrangle, Latitude: 41°21'34.6"; Longitude: -75°57'2.6").

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

**E53-439(1). Galeton Borough Authority**, 15 West Street, Galeton, PA 16922-1318. Wetmore Run and Right Branch, Wetmore Run Water Intake/Weir Modification and Infiltration Gallery Abandonment Project, West Branch Township, **Potter County**, ACOE Baltimore District Galeton, PA Quadrangle Latitude: 41° 42' 58.7"; Longitude: 77° 42' 50.2" (Wetmore) and Latitude: 41° 43' 11.5"; Longitude: 77° 42' 27.5" (Right Branch, Wetmore).

The applicant is seeking a major permit amendment for consent to (1) abandon in-place previously constructed subsurface infiltration galleries beneath the channel of Wetmore Run and Right Branch, Wetmore Run, (2) modify previously constructed monitoring weirs within the channel of Wetmore Run and Right Branch, Wetmore Run, and (3) construct, operate and maintain a public water supply intake structure within the channels of Wetmore and Right Branch, Wetmore Run. Wetmore and Right Branch, Wetmore Run are designated as High Quality—Cold Water Fisheries, Migratory Fish. As proposed, construction of the two water intake structures pose 32-feet of permanent stream impact and 122-feet of temporary stream impact. No wetland impacts are to be incurred. The projects are located along the northern right-of-way of SR 2002 with a restricted access road approximately 1120-feet east of SR 2003 and 2002 intersection.

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

**E20-598, PennDOT Engineering District 1-0. South Saegertown Roundabout Project**, in Saegertown Borough, Crawford County, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 41°, 42', 52"; W: 80°, 08', 47").

The project consists of replacing the existing SR 0198/SR 0006 intersection in Saegertown Borough with a one lane roundabout, as well as drainage, ADA curb ramps, sidewalk, traffic signs and guiderail updates to improve vehicular and pedestrian safety. The roundabout will require the placement of fill within the 100-year floodplain of French Creek (WWF), as delineated by FEMA mapping. No instream activities are proposed and no wetlands exist within the project area.

**E61-299, Tennessee Gas Company, LLC**, 1001 Louisiana Street Suite 1000, Houston, TX 77002. Excelon Handsome Lake Lateral Project, in Rockland Township, Venango County, ACOE Pittsburgh District (Kenderdell, PA Quadrangle N: 41°, 17', 28.7"; W: 79°, 48', 17.5").

To construct a new 1.28 mile, 10 inch natural gas pipeline lateral and meter station that will provide natural gas service to the Handsome Lake Generating Station. Pipeline construction and right-of-way will cross 10 wetlands and 4 streams resulting in impacts to 6.9 LF of stream channel, temporary impacts to 0.44 acre of wetland, and permanent conversion of 0.11 acre PFO wetland to PEM. Several of the wetlands in the project area are considered EV due to their association with

tributaries to a wild trout stream (UNT Allegheny River). Applicant proposes to mitigate for the permanent impacts through either the purchase of wetland mitigation bank credits (if available) or enhancement of local wetland resources.

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

**E5929-057: SWEPI LP**, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Richmond Township, Tioga County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a wood mat bridge and an 8 inch diameter natural gas gathering line impacting 3,182 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°47'34"N, 77°09'11"W);

2) a temporary road crossing using a wood mat bridge and an 8 inch diameter natural gas gathering line impacting 1,890 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47'38"N, 77°09'06"W);

3) a temporary road crossing using a wood mat bridge and an 8 inch diameter natural gas gathering line impacting 1,398 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47'44"N, 77°09'06"W);

4) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipes and an 8 inch diameter natural gas gathering line impacting 64 linear feet of an unnamed tributary to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°47'48"N, 77°09'06"W);

5) a temporary road crossing using a wood mat bridge and an 8 inch diameter natural gas gathering line impacting 877 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47'52"N, 77°09'05"W);

6) a temporary road crossing using 20 foot long, 21 inch diameter corrugated metal pipe and an 8 inch diameter natural gas gathering line impacting 73 linear feet an unnamed tributary to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°47'38"N, 77°09'06"W).

The project will result in 137 linear feet of temporary stream impacts and 7,347 square feet (0.17 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Richmond Township, Tioga 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

#### **I. NPDES Renewal Permit Actions**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0043818 (Industrial)	G.R.O.W.S. Landfill IWWTP 1000 New Ford Mill Road Morrisville, PA 19067	Bucks County Falls Township	Delaware River (2-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0053708— SEW	James Gaffney Hawk Mountain Bed & Breakfast 223 Stony Run Valley Road Kempton, PA 19529	Berks County/ Albany Township	3B/Stony Run	Y
PA0086304— SEW	Fred Wissler Earl Township Sewer Authority 517 N. Railroad Avenue New Holland, PA 17557	Lancaster County/ Earl Township	7J/Mill Creek	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0112747 (Sewage)	Mahaffey Borough Municipal Authority Wastewater Treatment Plant PO Box 202 Mahaffey, PA 15757-0202	Clearfield County Mahaffey Borough	West Branch Susquehanna River (8-B)	Yes
PA0112585 (Sewage)	Wagon Wheel Apartments Wastewater Treatment Plant 181 Milan Road East Smithfield, PA 18817	Bradford County Ulster Township	Unnamed Tributary to Susquehanna River (4-B)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0208574 (Sewage)	Coach Stop Inn 3014 E State Street Hermitage, PA 16148-3307	Tioga County Shippen Township	Pine Creek (9-A)	Yes
<i>Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221848 (Sewage)	Willow Bay Recreation Area STP Route 346 Bradford, PA 16701	McKean County Corydon Township	Willow Creek (16-B)	Y

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

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

**NPDES Permit No. PA0053147**, Sewage, SIC Code 4952, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444.

This existing facility is located in Upper Saucon Township, **Lehigh County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0026484**, Sewage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453.

This proposed facility is located in Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Swatara Creek in Watershed 7-D.

**NPDES Permit No. PA0010782**, Industrial Waste, **NRG Energy, Inc.**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-C.

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

**NPDES Permit No. PA0232521**, Stormwater, SIC Code 2011, **Nicholas Meats, LLC**, 508 East Valley Road, Loganton, PA 17747.

This existing facility is located in Greene Township, **Clinton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for the discharge of stormwater.

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

**NPDES Permit No. PA0264270**, Sewage, SIC Code 8800, **Peggy A Pollock**, 6048 Route 666, Sheffield, PA 16347.

This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0264288**, Sewage, SIC Code 8800, **Jodi Holland**, 61 Venango Street, Johnstown, PA 15905.

This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

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

**WQM Permit No. WQG02091513**, Sewage, **Hilltown Township Water & Sewer Authority**, 316 Highland Park Drive, P. O. Box 365, Sellersville, PA 18960.

This proposed facility is located Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction of a low pressure system that will serve 34 proposed homes and 3 existing properties.

**WQM Permit No. 4615411**, Sewage, **Limerick Township**, 646 West Ridge Pike, Limerick, PA 19468.

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

Description of Action/Activity: Upgrades to the existing pump station No. 6. Increase the hydraulic capacity to 3,300 pgm, expanding of wet well/dry well and installing a third pump in the dry well.

**WQM Permit No. 4615202**, Industrial Waste, **PA American Water Company**, 800 Hershey Park Drive, Hershey, PA 17033.

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

Description of Action/Activity: Modifications to the wastewater treatment process.

**WQM Permit No. 0987403**, Sewage, Amendment, **Morrisville Borough Municipal Authority**, 35 Union Street, Morrisville, PA 19067.

This proposed facility is located in Morrisville Borough, **Bucks County**.

Description of Action/Activity: Replacement of 3 existing tertiary sand filters with cloth media filters.

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

**WQM Permit No. 3516401**, Sewage, SIC Code 4952, **Scranton City Sewer Authority Lackawanna County**, 312 Adams Avenue, Scranton, PA 18503.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: The modification of Shawnee Ave's combined sewer overflow system (CSO #078) by the installation of 180 LF of 48" diameter steel reinforced polyethylene pipe as a flow equalization structure, connected to a new manhole with a 12" orifice outlet control.

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

**WQM Permit No. 3499401, Amendment #2**, Sewerage, **Twin Boroughs Sanitary Authority**, PO Box 118, 17 River Drive, Mifflin, PA 17058-0118.

This proposed facility is located in Milford Township, **Juniata County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of the West River Road Sanitary Sewer System.

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

**WQM Permit No. 1715401**, Sewage, SIC Code 4952, **Brady Township Clearfield County**, 3906 Shamokin Trail, Luthersburg, PA 15848.

This proposed facility is located in Brady Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction and operation of a low pressure collection system with grinder pump units, eight pumping stations, and a sewage treatment plant consisting of two sequencing batch reactor basins, sodium hypochlorite disinfection, aerobic digester and filter press. The treatment facility design annual average and maximum monthly flows are both 0.04 MGD and the design organic loading is 100 lbs BOD<sub>5</sub>/day.

**WQM Permit No. 4115401**, Sewage, SIC Code 4952, **Jersey Shore Area School District**, 175 A & P Drive, Jersey Shore, PA 17740.

This proposed facility is located in Mifflin Township, **Lycoming County**.

Description of Proposed Action/Activity: Installation of an Ultraviolet (UV) disinfection system to replace an existing chlorine disinfection system.

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

**WQM Permit No. 1115412**, Sewage, SIC Code 4952, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

This proposed facility is located in the City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective sewers in the Hornerstown & Industrial Park Area of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. 6215411**, Sewage, **Peggy A Pollock**, 6048 Route 666, Sheffield, PA 16347.

This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 6215412**, Sewage, **Jodi Holland**, 61 Venango Street, Johnstown, PA 15905.

This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515023	East Vincent Township 262 Ridge Road Spring City, PA 19475	Chester	East Vincent Township	Unknown Tributary to French Creek HQ-TSF
PAI015114016-3A	Wexford Development, LLC 3535 Market Street Suite 1230 Philadelphia, PA 19104	Philadelphia	City of Philadelphia	Schuylkill River
PAI01151042-R	Charles Cardile 540 Church Road Avondale, PA 19311	Chester	New Garden Township	Unknown Tributary to East Branch of White Clay Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023915023	UGI Utilities, Inc. c/o Mr. Carmelo Alicea, Jr. 2121 City Line Road Bethlehem, PA 18017	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032115004 Issued	Mr. Thomas P. Abbas PPG Industries, Inc. 40 Park Drive Carlisle, PA 17015	Cumberland County	South Middleton Township	Yellow Breeches (HQ-CWF)
PAI030614006 Issued	Mr. Peter Clelland BET Investments 200 Witmer Road Horsham, PA 19044	Berks County	Kutztown Borough	Sacony Creek (TSF/MF), UNT to Sacony Creek (TSF/MF) and EV Wetlands

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines

PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Telford Borough Bucks County	PAG02000915055	Lutheran Community at Telford 235 North Washington Avenue Telford, PA 18969	Mill Creek East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAG02000915077	The Dreher Group 166 Nassau Street, 2nd Floor Princeton, NJ 08542	Ironworks Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bristol Borough Bucks County	PAG02000916001	Aqua Pennsylvania 762 Lancaster Avenue Bryn Mawr, PA 19010	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG02002315019 (Phase 2)	Brinton Land Development Assoc. LP c/o Wynnedwood Development Inc. 33 Rock Hill Road Suite 200 Bala Cynwyd, PA 19004	West Branch of Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG02002315024 (Phase 2)	Villanova University 800 East Lancaster Avenue Villanova, PA 19085	Unknown Tributary to Darby Creek CWF-MF Unknown Tributary to Mill Creek CWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Caln Township Chester County	PAG02001515052	Better Homes by BH Construction Inc. 128 Dominic Drive Coatesville, PA 19320	Unknown Tributary to Indian Spring Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Grove Borough Chester County	PAG02001514046	Habitat for Humanity 1853 Lincoln Highway E Coatesville, PA 19320	Unknown Tributary to Middle Branch of White Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Bradford Township East Bradford Township Chester County	PAG02001515046	Barry Mathes 1120 West Strasburg Road West Chester, PA 19382	East Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Coatesville Borough Chester County	PAG02001511005-R(1)	County of Chester Office of the Commissioner 313 West Market Street Suite 6302 West Chester, PA 19380-3028	West Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Schuylkill Township Chester County	PAG02001515045	French Creek Associates, LLC 1220 Valley Forge Road Unit 25 Valley Forge, PA 19482	Unknown Tributary to French Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Phoenixville Borough Chester County	PAG02001515020	AutoZone Development LLC 123 South Front Street Memphis, TN 38103	French Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Highland Township Chester County	PAG02001515049	Christian King 47 Friendship Church Road Cochranville, PA 19330	Knight Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG02001515056	The Chester County Hospital of the University of Pennsylvania Health System 701 East Marshall Street West Chester, PA 19380	Unknown Tributary to Taylor Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG02001516003	West Chester Area School District 1181 McDermott Drive West Chester, PA 19380	Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511600	City of Philadelphia, Parks and Recreation Department One Parkway 1515 Arch Street, 10th Floor Philadelphia, PA 19105	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lynn Township Lehigh County	PAG02003915019	John Gross 8588 Reservoir Rd. Germansville, PA 18053	Ontelaunee Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
North Whitehall Township Lehigh County	PAG02003914017(1)	William Bachenburg 6601 Ivy Lane Allentown, PA 18106	Coplay Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Avoca Borough, Duryea Borough, Exeter Township Luzerne County and Old Forge Borough, Ransom Township, Lackawanna County	PAG02004015035	PPL Electric Utilities Corporation Colleen Kester 2 North Ninth Street Allentown, PA 18101	UNT to Susquehanna River (CWF, MF) Susquehanna River (WWF, MF) UNT to Lackawanna River (CWF, MF) Lackawanna River (CWF, MF) Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Great Bend Township Susquehanna County	PAG02005815008	Bridgewater Baptist Church of Montrose PA, Inc. 107 Church Street Montrose, PA 18801	Susquehanna River (WWF, MF)	Susquehanna County Conservation District 570-278-4600
Factoryville Borough and Clinton Township Wyoming County	PAG02006615004	Clinton Township 161 College Avenue Factoryville, PA 18419	Tunkhannock Creek (CWF-TSF, MF)	Wyoming County Conservation District 570-836-2589

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland Township Adams County	PAG02000114016(1) Issued	Darlene A. Brown PA Interfaith Community Programs, Inc. 40 East High Street Gettysburg, PA 17325	UNT to Rock Creek (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Monroe Township Juniata County	PAG02003416001 Issued	Harlan Martin 18 Goldie Lane Millerstown, PA 17062	UNT to Leiningers Run (CWF)	Juniata County Conservation District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059-8709 717.436.8953 ext. 5
Fayette Township Juniata County	PAG02003415007 Issued	McAlisterville DDP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Little Lost Creek (TSF)	Juniata County Conservation District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059-8709 717.436.8953 ext. 5
Delaware Township Juniata County	PAG02003415006 Issued	Maple Lawn Associates 2394 Black Dog Valley McAlisterville, PA 17049	Cocolamus Creek (TSF)	Juniata County Conservation District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059-8709 717.436.8953 ext. 5

**NOTICES**

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*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Northumberland County Rush Township	PAG020049100007R	Whitenight Greenhouses Dale Whitenight 1200 Blue Hill Drive Danville, PA 17824	UNT Susquehanna River CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
East Buffalo Twp Union County	PAG02006015015	Eric & Carol Kennedy 95 Karr Drive Lewisburg, PA 17837	Limestone Run, WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

*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>
Big Beaver Borough Beaver County	PAG02000416001	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 15017	UNT to Wallace Run (WWF)	Beaver County Conservation District 156 Cowpath Road, Aliquippa, PA 15001 (724) 378-1701
City of Beaver Falls Beaver County	PAG02000416002	Sheetz, Inc. 817 Brookfield, Drive Seven Fields, PA 16046	Beaver River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Richland Township Cambria County	PAG02001115019	Greater Johnstown Career and Technology Center, Johnstown Campus 445 Schoolhouse Road Johnstown, PA 15904	UNT to Little Paint Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Conemaugh Township Somerset County	PAG02005615018	Saint Francis Sharing and Caring, Inc. P. O. Box 250 Hollisopple, PA 15935	UNT to the Stonycreek River (WWF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Adams Township Butler County	PAG02001015045	FKS Properties LP c/o Mr. Christopher J Kaclik 1272 Mars Evans City Road Evans City, PA 16033	Kaufman Run WWF	Butler County Conservation District 724-284-5270
Zelienople Township Butler County	PAG02001015031(1)	Zelienople Borough 111 West New Castle Street Zelienople, PA 16063	Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
Elk Township and Shippenville Borough Clarion County	PAG02001616001	PA American Water 425 Waterworks Road Clarion, PA 16214	UNT Deer Creek CWF Paint Creek CWF	Clarion County Conservation District 814-297-7813
Limestone Township Clarion County	PAG02091616002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Runaway Run (CWF) and Piney Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-03*

<i>Facility Location &amp; Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Caln Township Chester County	PAR210015	Hessian Co. Ltd dba Faddis Concrete Products 3515 Kings Highway Downingtown, PA 19335	Beaver Creek—3-H	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Philadelphia City Philadelphia County	PAR230060	RichardsApex Inc 4202-24 Main Street Philadelphia, PA 19127	Schuylkill River—3F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Whitemarsh Township Montgomery County	PAR230073	Johnson & Johnson Consumer, Inc. 7050 Camp Hill Road Fort Washington, PA 19034	Sandy Run and Wissahickon Creek—3F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Bald Eagle Township Clinton County	PAR234801	Croda Inc. 8 Croda Way Mill Hall, PA 17751-8727	Unnamed Tributary to Bald Eagle Creek—9-C	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Boggs Township Clearfield County (Industrial Stormwater)	PAR234820	AES Drilling Fluids LLC 11767 Katy Fwy, Suite 230 Houston, TX 77079-1711	Laurel Run—8-D	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Blossburg Borough Tioga County	PAR404809	Hydro Recovery-Bradford LP 1975 Waddle Road State College, PA 16803-1639	Boone Run—4-A	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Middlecreek Township Snyder County	PAR224828	Bingaman & Son Lumber Inc. PO Box 247 Kreamer, PA 17833-0247	Middle Creek—6-A	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County/ Upper Frankford Township	PAG043582	Justin Carpenter 50 Pearl Lane Carlisle, PA 17015	UNT Conodoguinet Creek/WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES**  
**PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Robert Keefer 1317 Ritner Highway Shippensburg, PA 17257	Cumberland	1,006.7	1,039	Dairy	NA	Approved
Nathan Ebersole 44 Kline Road Shippensburg, PA 17257	Cumberland	124.1	74.13	Duck/Steer	NA	Approved
Willow Behrer Farms LLC Michael Behrer 3288 Behrer Lane Spruce Creek, PA 16683	Huntingdon	1,174.4	1,391.25	Dairy	HQ	Approved
Evergreen Farms Inc. Andy Harpster 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	5,159.1	6,888 AEU's	Dairy	HQ	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this

notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

## SAFE DRINKING WATER

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

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

**Permit No. 4615521, Minor Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Perkomen

County **Montgomery**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
650 Park Avenue  
King of Prussia, PA 19406

Permit to Construct Issued February 19, 2016

**Permit No. 1515542,** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Westtown

County **Chester**

Type of Facility PWS

Consulting Engineer GHD  
1240 Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued February 19, 2016

**Permit No. 1515544,** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township West Whiteland

County **Chester**

Type of Facility PWS

Consulting Engineer GHD  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued February 19, 2016

**Permit No. 1515543,** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township West Whiteland

County PWS

Type of Facility PWS

Consulting Engineer GHD  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued February 19, 2016

**Permit No. 1515545,** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township East Goshen

County **Chester**

Type of Facility PWS

Consulting Engineer GHD  
1240 Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued February 19, 2016

**Permit No. 1515550,** Public Water Supply.

Applicant **GSP Management Company**  
P. O. Box 677  
Morgantown, PA 19543

Township West Brandywine

County **Chester**

Type of Facility PWS

Consulting Engineer James A. Cieri, P.E., LLC  
914 Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued February 3, 2016

**Operations Permit #0915503** issued to: **PA American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] Lower Makefield Township, **Bucks County** on February 4, 2016 for the operation to repair and repaint interior of Oxford Valley Road Tank of facilities approved under construction permit #0915503.

**Operations Permit #0915521** issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] Lower Makefield Township, **Bucks County** on February 4, 2016 for the operation of Pax Recirculation System at Big Oak Tank facilities approved under construction permit #0915521.

**Operations Permit #4615515** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] Upper Providence Township, **Montgomery County** on February 17, 2016 for the operation of Rehabilitated Perkiomen Woods Booster Pump Station facilities approved under construction permit #4615515.

**Operations Permit #4615519** issued to: **Parkhouse Nursing and Rehabilitation Center, L.P.**, 1600 Black Rock Road, Royersford, PA 19468, [(PWSID)] Upper Providence Township, **Montgomery County** on February 17, 2016 for the Emergency Interconnection with Pennsylvania American Water Company—Royersford District operation of facilities approved under construction permit #4615519.

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

**Permit No. 4515508, Construction Permit,** Public Water Supply.

Applicant **Paradise Stream Propco, LLC**  
Attention: Ms. Patricia Williams  
P. O. Box 99  
Mount Pocono, PA 18344

[Township or Borough] Paradise Township, **Monroe County**

Responsible Official Ms. Patricia Williams  
 Type of Facility PWS  
 Consulting Engineer Niclaus Engineering Corporation, Charles Niclaus, P.E.  
 804 Sarah Street, Suite 201, Stroudsburg, PA 18360  
 Construction Permit Issued Date 02/18/2016

**Permit. 3390079, Operation Permit** Public Water Supply.

Applicant **KEN-MAN Company, Inc.**  
 7963 Rextown Road, Slatington, PA 18080  
 [Township or Borough] Washington Township, **Lehigh County**

Responsible Official Edward Christman  
 Type of Facility PWS  
 Consulting Engineer Kerry D. Tyson, PE  
 Nittany Engineering & Associations, Inc., Suite 1, 2836 Earlstown Road Center Hall, PA 16828 (814) 364-2262

Operation Permit Issued 02/11/2016

**Permit No. 3480050, Operation Permit** Public Water Supply.

Applicant **Easton Suburban Water Authority**  
 3700 Hartley Avenue Easton, PA 18045 (Wilden Acres Tank)

[Borough or Township] Palmer Township  
 County **Northampton County**

Type of Facility PWS  
 Consulting Engineer Gannett Fleming, Inc.  
 Samuel F. Wood, PE  
 P O Box 67100 Harrisburg, PA 17106-7100

Permit to Operate Issued 02/10/2016

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

**Permit No. 3115502, Public Water Supply.**

Applicant **Jeff S. Long**  
 Municipality Morris Township  
 County **Huntingdon**  
 Responsible Official Jeff Long, Developer  
 1916 Hileman Road Tyrone, PA 16686

Type of Facility Construction of the Emily Estates Public Water System, a new community water system, with a single well, disinfection, finished water storage and booster pumps.

Consulting Engineer Brian D. Shura, P.E.  
 Stiffler, McGraw & Associates, Inc  
 1731 North Juniata Street Hollidaysburg, PA 16648

Permit to Construct Issued 2/16/2016

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

Applicant **The York Water Company**  
 Municipality Jackson Township  
 County **York**

Responsible Official Mark S. Snyder, Engineering Manager  
 130 East Market Street PO Box 15089 York, PA 17405-7089

Type of Facility Installation of a 125 hp/1,300 gpm pump at the Airport Booster Pump Station.

Consulting Engineer Mark S. Snyder, P.E.  
 The York Water Company  
 130 East Market Street PO Box 15089 York, PA 17405-7089

Permit to Construct Issued 2/16/2016

**Comprehensive Operation Permit No. 4310022** issued to: **The Grier School (PWS ID No. 4310022)**, Birmingham Borough & Warriors Mark Township, **Huntingdon County** on 2/9/2016 for the operation of facilities submitted under Application No. 3115503MA.

**Operation Permit No. 3114502** issued to: **Mapleton Municipal Water Authority (PWS ID No. 4310015)**, Union Township, **Huntingdon County** on 2/16/2016 for facilities approved under Construction Permit No. 3114502.

**Comprehensive Operation Permit No. 7220002** issued to: **GSP Management Company (PWS ID No. 7220002)**, Londonderry Township, **Dauphin County** on 2/16/2016 for the operation of facilities at Cedar Manor MHP approved under Construction Permit No. 2215502MA.

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

**Permit No. 1816501MA—Construction—Public Water Supply.**

Applicant **South Renovo Borough**  
 Township/Borough South Renovo Borough  
 County **Clinton**

Responsible Official Ms. Lynn Gavlock  
 South Renovo Borough  
 569 Pennsylvania Avenue South Renovo, PA 17764

Type of Facility Public Water Supply

Consulting Engineer K. Alan Uhler Jr. P.E., PLS  
 Kerry A. Uhler & Assoc. Inc.  
 140 West High Street Bellefonte, PA 16823

Permit Issued February 11, 2016  
 Description of Action Modifications to the chemical treatment facilities, including the addition of DelPAC 2000 and DelPAC 2020 as coagulants and SeaQuest for corrosion control.

**Ridge Crest Community (Public Water Supply)** Liberty Township, **Centre County**: On February 17, 2016, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Ridge Crest Community, Liberty Township, Centre County. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

**Brady Township-Troutville Borough Water Association (Public Water Supply)** Brady Township, **Clearfield County**: On January 18, 2016, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Brady Township-Troutville Borough Water Association, Brady Township, Clearfield County. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

**Waterville Water Association (Public Water Supply)** Cummings Township, **Lycoming County**: On February 19, 2016, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Waterville Water Association, Cummings Township, Lycoming County. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

**Permit No. 6315510, Public Water Supply.**

Applicant **Tri-County Joint Municipal Authority**  
 26 Monongahela Avenue  
 Fredericktown, PA 15333  
 [Borough or Township] Deemston Borough  
 County **Washington**  
 Type of Facility Ridgewood pump station  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Permit to Construct February 9, 2016  
 Issued

**Permit No. 1115510, Public Water Supply.**

Applicant **Nanty Glo Water Authority**  
 1015 First Street  
 Suite 1  
 Nanty Glo, PA 15943  
 [Borough or Township] Cambria Township

County **Cambria**  
 Type of Facility Water system improvements  
 Consulting Engineer Stiffler McGraw  
 1731 North Juniata Street  
 PO Box 462  
 Hollidaysburg, PA 16648  
 Permit to Construct February 11, 2016  
 Issued

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222 (**PWSID #5020038**) City of Pittsburgh, **Allegheny County** on February 9, 2016 for the operation of facilities approved under Construction Permit #0215519.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222 (**PWSID #5020038**) City of Pittsburgh, **Allegheny County** on February 9, 2016 for the operation of facilities approved under Construction Permit #0215520.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033 (**PWSID #5020039**) Claysville Borough, **Washington County** on February 12, 2016 for the operation of facilities approved under Construction Permit #0215524.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344 (**PWSID #5300017**) Amwell Township, **Washington County** on February 12, 2016 for the operation of facilities approved under Construction Permit #3013512MA.

**Permit No. 6315504MA, Minor Amendment.** Public Water Supply.

Applicant **Authority of the Borough of Charleroi**  
 3 McKean Avenue  
 PO Box 211  
 Charleroi, PA 15022  
 [Borough or Township] Fallowfield Township  
 County **Washington**  
 Type of Facility Twin Bridges Road waterline  
 Consulting Engineer Chester Engineers  
 501 McKean Avenue  
 Third Floor  
 Charleroi, PA 15022  
 Permit to Construct February 10, 2016  
 Issued

**Permit No. 2615511MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] Luzerne Township  
 County **Fayette**  
 Type of Facility Chemical injection vault



Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct February 12, 2016  
Issued

**Permit No. 5615513MA, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of the Borough of Somerset**  
PO Box 71  
347 West Union Street  
Somerset, PA 15501

[Borough or Township] Somerset Borough

County **Somerset**

Type of Facility Hickory Hill water storage tank

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct February 12, 2016  
Issued

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

Applicant **UMH Properties, Inc.**  
3499 Route 9 North  
Suite 3C  
Freehold, NH 07728

[Borough or Township] Somerset Township

County **Somerset**

Type of Facility Waterline to connect to Somerset Township Municipal Authority

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct February 12, 2016  
Issued

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

**Cancellation of Permit** issued to **Knox Borough, PWSID No. 6160005**, Knox Borough, **Clarion County** on December 22, 2015. This action represents the cancellation of Permit Number A7703 issued March 27, 1987. This action is a result of prior upgrades to the water treatment plant.

#### WATER ALLOCATIONS

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

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

**WA 10-1007A**, Water Allocations, **Petroleum Valley Regional Water Authority**, Petrolia Borough, **Butler County**. This permit grants the Petroleum Valley Regional Water Authority the right to purchase 220,000 gallons per day as a 30-day average flow rate and 433,000 gallons per day as a peak daily flow rate from the Borough of East Brady.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Lower Paxton Township	425 Prince St, Harrisburg, PA 17109	Dauphin

*Plan Description:* Approval is granted for a Special Study to the official plan of Lower Paxton Township, Dauphin County. The project is known as the Act 537 Special Study for the Construction of a New Force Main from the Parkchester Pumping Station and Flow Transfer from Beaver Creek Basin to Paxton Creek Basin. The plan provides for the construction of a new force main from the Parkchester pumping station to connect in the vicinity of manhole 895.18 to transfer approximately 18,000 gpd of flow from the Beaver Creek Basin (BC-6B) to the Paxton Creek Basin (PC-4C). The proposed project is located along Parkchester Road in Lower Paxton Township, Dauphin County. The Department's review of the special study has not identified any significant impacts resulting from this proposal. The DEP Code Number for this Special Study is G1-22921-ACT and the APS Id is 471356.

#### 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*

**Tenaska Sparrow Hawk Impoundment**, 881 Frost Road, Covington Township, **Tioga County**. Moody and Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892 on behalf of Tenaska Resources, LLC, 601 Technology Drive, Suite 100, Canonsburg, PA 15317, submitted a Final Report concerning remediation of site soil contaminated with constituents characteristic of a release of brine. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Laurelton Elementary School**, 105 Weikert Road, Hartley Township, **Union County**. Blackrock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064, on behalf of Mr. Ronald Stahl, 323 Sierra Lane, Mifflinburg, PA 17844, submitted a Final Report concerning remediation of site soil and groundwater contaminated with #2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Casey Harriman Logging**, Shed Road (near 111 Shed Road), Derry Township, **Montour County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Casey Harriman, 559 Keller Hollow Road, Unityville, PA 17774, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. 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*

**Former Trexler Estate**, 4677 Route 309, Upper Saucon Township, **Lehigh County**. Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of LUP4, LLC, 27 Memorial Drive West, Bethlehem, PA 18015, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Leaded and Unleaded Gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Keystone Protein Company**, 568 Chestnut Hill Road, Fredericksburg, PA 17026, Bethel Township, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, PA 17602, on behalf of Farmer's Pride, Inc., 154 West Main Street, Fredericksburg, PA 17026, submitted a

Final Report concerning remediation of site soils and groundwater contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

**Former Lestz & Company Property**, 436 West James Street, Lancaster, PA 17603, Lancaster City, **Lancaster County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of 436 West James Street, LLC, 941 Wheatland Avenue, Suite 402, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. 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*

**FedEx**, 2600 Hirtzel Road, North East Township, **Erie County**. GZA GeoEnvironmental, Inc., 501 Office Center Drive, Suite 220, Fort Washington, PA 19034, on behalf of YRC Freight, 10990 Roe Avenue, Overland Park, KS 66211, submitted a Final Report concerning the remediation of site soil contaminated with cis-1,2-dichloroethene, 1,1-dichloroethene, vinyl chloride, trichloroethylene and site groundwater contaminated with trichloroethylene. The report is intended to document remediation of the site to meet the Background Standard.

**Correction: Jones Lease**, Approximately 2,870 feet west of the intersection of State Route 2002 and Bear Run Road, Richland Township, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Roilwell, Inc., 1607 Riverside Drive, Oil City, PA 16301, submitted a Final Report concerning the remediation of site soil contaminated with Chloride and Strontium. The report is intended to document remediation of the site to meet the Statewide Health and Background Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and

cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Werner Enterprises, Inc.**, 180 at MM181 West, Lamar Township, **Clinton County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of Werner Enterprises, Inc., 14507 Frontier Road, Omaha, NE 68138 submitted a Final Report concerning the remediation of site soils contaminated with Diesel Fuel and Motor Oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 11, 2015.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Pfizer Great Valley Office & Information System Technical Center**, 31—43 Morehall Road, East Whiteland Township, **Chester County**. Elizabeth Bongard, Golder Associates Inc., 1100 East Hector Street, Suite 395, Conshohocken, PA 19428 on behalf of Barbara Wong, Pfizer Inc. (on behalf of its wholly-owned subsidiary Wyeth Pharmaceuticals, Inc.) 100 Route 206N Peapack, NJ 07977 has submitted a Final Report concerning the remediation of site groundwater contaminated with organics and soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and Site Specific Standard was approved by the Department on January 11, 2016. PF748303.

**Carr Residence**, 4009 Nicole Drive, Upper Moreland Township, **Montgomery County**. Sean Fuller, PG, CMI, 1350 Welsh Road, North Wales, PA 19454 on behalf of Judy Carr, 4009 Nicole Drive, Hatboro, PA 19040 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel

oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 17, 2016. PF757789.

**BP Trainer, Refinery Marcus Hook & Stoney Creek**, 4101 Post Road, Trainer Borough, Borough of Marcus Hook, **Delaware County**. Iain Bryant, Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691, Sasa Jazic, Atlantic Richfield Company, on behalf of BP Products North American Inc., 50 West Warrenville Road, NRC-Bldg. 200 MC 200E, Naperville, Illinois 60563 on behalf of Mat Torell, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbon. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on February 11, 2016. PF765004.

**Home Run Inc.**, Fox Hollow Drive and Detar Road, Douglas Township, **Montgomery County**. Bill Gothier, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, Brad Bradley, Home Run Inc., 1299 Labelle Drive, Xenia, OH 45385 on behalf of Ed Gold, Beazer Homes Company, 8965 Guilford Road, Suite 290, Columbia, MD 21046 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with soil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 11, 2016. PF807855.

**US Steel Fairless Work Area A-1-8.08 Acre**, Falls Township, **Bucks County**. Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 on behalf of Colleen Costello, P.G., Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976, Juddson W. Herr, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 13, 2013. PF760603.

**Budget/Avis Rent a Car**, 6501 Essington Avenue, City of Philadelphia, **Philadelphia County**. Bernie Boldt, MCK Real Estate Corporation, 152 East 22nd Street, Suite B, Indianapolis, Indiana 46202 on behalf of Tripp Fischer, P.G., Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with vocs, svocs and metals. The Remedial Investigation and Cleanup Plan were approved by the Department on February 4, 2016. PF785096.

#### **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 Voluntarily Terminated*

**Dirt Excavating, LLC**, 114 Route 660, Mansfield, PA 16933. License No. PA-AH 0808. Effective Feb 22, 2016.

*Hazardous Waste Transporter License Reissued*

**A&D Environmental Services (SC), LLC**, 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0743. Effective Feb 19, 2016.

**Fortress Trucking Limited**, 7079 Wellington Road 124, Guelph, ON N1H6J3. License No. PA-AH 0512. Effective Feb 19, 2015.

**Terra Contracting Services, LLC**, 5100 West Michigan Avenue, Kalamazoo, MI 49006. License No. PA-AH 0814. Effective Feb 17, 2016.

*Renewal Applications Received*

**Coal City Cob Company, Inc.**, PO Box 597, Waxahachie, TX 75168. License No. PA-AH 0589. Effective Feb 16, 2016.

**Safety-Kleen Canada, Inc.**, PO Box 9149, Norwell, MA 02061-9149. License No. PA-AH 0517. Effective Feb 22, 2016.

**Terra Contracting Services, LLC**, 5100 West Michigan Avenue, Kalamazoo, MI 49006. License No. PA-AH 0814. Effective Feb 16, 2016.

**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 the act of June 28, 1988 (P. L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

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

*New Applications Received*

**Triumvirate Environmental (Florida), Inc.**, 3701 South West 47th Avenue, Davie, FL 33314. License No. PA-HC 0272. Effective Feb 12, 2016.

**REGISTRATION FOR GENERAL  
PERMIT—RESIDUAL WASTE**

**Registration(s) Approved Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit Application No. WMGR123-NE004. Fluid Recovery Services, LLC**, 5035 Route 110, Creekside, PA 15732. Registration to operate under General Permit No. WMGR123 for the transfer and beneficial use of oil and gas liquid waste at the FRS Kingsley facility located in Lenox Township, **Susquehanna County**. The registration was approved by the Regional Office on February 19, 2016.

Persons interested in viewing the general permit may contact the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit(s) issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Regional Solid Waste Manager, 400 Waterfront Drive, Southwest Region: Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit Application ID No. 101677. Dalton's Service Company, LLC**, 1230 Mercer Road, Ellwood City, PA 16117. Permit for a 10-year renewal of Solid Waste Management Permit No. 101677 to continue operations at the Dalton's Municipal Waste Processing Facility, a municipal waste (septage) processing facility, located at 911 8th Street, Beaver Falls, **Beaver County**. The permit renewal was issued in the Regional Office on February 13, 2016.

**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*

**GP1-46-0249: New Regional Medical Center, Inc.** 559 West Germantown Pike, East Norriton, PA 19403 for installation of three small gas & No 2 oil fired combustion units in East Norriton Township, **Montgomery County**.

**GP9-46-0084: New Regional Medical Center, Inc.** 559 West Germantown Pike, East Norriton, PA 19403 for two diesel-fired internal combustion engines in East Norriton 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*

**GP3-36-03200: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on February 17, 2016, for the installation and operation of portable nonmetallic mineral processing equipment, under GP3, at the Allan Myers Talmage Quarry located in Upper Leacock Township, **Lancaster County**.

**GP11-36-03200: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on February 17, 2016, for the installation and operation of seven nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment at the Allan Myers Talmage Quarry located in Upper Leacock Township, **Lancaster County**.

**GP3-36-03201: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on February 18, 2016, for the installation and operation of portable nonmetallic mineral

processing equipment, under GP3, at the Allan Myers Paradise Quarry located in Paradise Township, **Lancaster County**.

**GP11-36-03201: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on February 18, 2016, for the installation and operation of five nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment at the Allan Myers Paradise Quarry located in Paradise Township, **Lancaster County**.

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

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

**GP3-17-503B: Russell Stone Products** (2640 Greenville Pike, Grampian, PA 16838) on February 10, 2016, for the authorization to construct and operate one (1) 2010 vintage Kolberg model FT2650 portable crushing plant pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at the company's Bloom Quarry located in Bloom and Pike Townships, **Clearfield County**.

**GP9-17-503B: Russell Stone Products** (2640 Greenville Pike, Grampian, PA 16838) on February 10, 2016, for the authorization to construct and operate one (1) 275 brake-horsepower (bhp) Caterpillar model C-9 diesel-fired engine to power a portable crushing plant pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the company's Bloom Quarry located in Bloom and Pike Townships, **Clearfield County**.

**GP3-17-502A: Russell Stone Products** (2640 Greenville Pike, Grampian, PA 16838) on February 10, 2016, for the authorization to relocate and operate one (1) 2010 vintage Kolberg model FT2650 portable crushing plant pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the company's Roaring Run Quarry located in Pike Township, **Clearfield County**.

**GP9-17-502A: Russell Stone Products** (2640 Greenville Pike, Grampian, PA 16838) on February 10, 2016, for the authorization to relocate and operate one (1) 275 brake-horsepower (bhp) Caterpillar model C-9 diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the company's Bloom Quarry located in Pike Township, **Clearfield County**.

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

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

**GP5-10-367E: MarkWest Liberty Bluestone, LLC**, Voll Compressor Station (Off Woodlands Road, Connoquenessing, PA 16027) on February 16, 2016, for the authority to construct and/or operate a natural gas fired compressor engine, Waukesha 7042 GSI (BAQ-GPA/GP-5) located at their facility in Connoquenessing Township, **Butler County**.

**GP5-37-336D: Hilcorp Energy Company, Pulaski-Whiting Central Facility** (3140 Garner Road, Edinburg, PA 16116) on January 26, 2016, for the authority to construct and/or operate two (2) natural gas fired com-

pressor engines, Caterpillar 3516B (BAQ-GPA/GP-5) located at their facility in Pulaski Township, **Lawrence County**.

**GP5-43-376C: Hilcorp Energy Company, Lackawannock-Larmon Central Facility** (PA 318 Mercer, PA 16137) on February 18, 2016, for the authority to construct and/or operate a natural gas fired compressor engine, Caterpillar 3306TA and 17.5 mmscfs/d glycol dehydrator/reboiler (BAQ-GPA/GP-5) located at their facility in Lackawannock Township, **Mercer County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**65-00837B: Dominion Transmission, Inc.** (5000 Dominion Boulevard, Glenn Allen, VA 23060) on February 22, 2016, for plan approval extension pending issuance of a Title V operating permit for its Oakford Compressor Station located in Salem Township, **Westmoreland County**.

**PA-11-00433B: GapVax, Inc.** (575 Central Avenue, Johnstown, PA 15902-2600) Plan Approval issuance date effective February 12, 2016, to allow the installation and operation of three (3) coating booths at their existing GapVax facility located in City of Johnstown, **Cambria County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-00206: B & J Group Inc.** (1001 New Ford Mill Road, Morrisville, PA 19067) On February 17, 2016 for methylene chloride storage tanks at this location in Falls Township, **Bucks County**.

**46-0142E: Custom Processing Service, LLC:** (461 State Street, East Greenville, PA 18041-1701) On February 19, 2016 for the replacement of a baghouse on an existing source at this location in East Greenville Borough, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**06-05002L: Lehigh Cement Company, LLC** (Evansville Cement Plant and Quarry), (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) on February 12, 2016, to install a mercury emission control systems at their facility in Maiden Creek Township, **Berks County**. Plan Approval No. 06-05002L is for the installation of two (2) new mercury emission control systems on Kiln Nos. 1 & 2 (Source Ids 121 & 122). The mercury emission control

systems include dust shuttling and activated carbon injection (ACI) and are part of the facility's compliance strategy with regard to the February 12, 2013 amended 40 CFR Part 63, Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry mercury emission limit. The plan approval was extended.

**06-05002M: Lehigh Cement Company, LLC** (Evansville Cement Plant and Quarry), (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) on February 12, 2016, for the ability to combust engineered fuel at their facility in Maiden Creek Township, **Berks County**. This is for the authorization to burn an engineered fuel being sourced from, but not limited to, Renewable Fuel, Inc. (RFI) as an alternative fuel in the facility's two long dry kilns (Source ID's 121 & 122). The plan approval was extended.

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

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

**18-00011J: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on February 18, 2016, to extend the authorization to operate the Super Refined Oil process at their facility in Bald Eagle Township, **Clinton County** on a temporary basis to August 23, 2016. The plan approval has been extended.

**59-00005G: Dominion Transmission, Inc.** (925 White Oaks Blvd., Bridgeport, WV 26330) on February 19, 2016, to extend the authorization for the construction of a 2,370 horsepower, natural-gas fired reciprocating internal combustion compressor engine controlled by a prechambered combustion system, an LE-54C air/fuel ratio controller and an EAS model EN4YE28 oxidation catalyst, for the construction of a 5,810 horsepower (49.98 million Btus per hour heat input), natural-gas fired compressor turbine, controlled by a dry low NO<sub>x</sub> (SoLoNO<sub>x</sub>) combustion system and a Universal Silencer oxidation catalyst and for the construction of eight 65 kilowatt model C65 NG Low NO<sub>x</sub> Capstone MicroTurbines, at the Sabinsville Station located in Clymer Township, **Tioga County** to August 18, 2016. The plan approval has been extended.

**14-00002A: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on February 8, 2016, extended the authorization an additional 180 days from February 9, 2016 to August 7, 2016, to allow continued operation of the existing rotary kilns located at the Pleasant Gap plant in Spring Township, **Centre County**, pending issuance of the renewal Title V operating permit. The plan approval has been extended.

**47-309-001A: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) on February 19, 2016, extended the authorization an additional 180 days from March 8, 2016 to September 4, 2016, to allow continued operation of the synthetic gypsum unloading operations located at their facility in Derry Township, **Montour County** pending issuance of Title V operating permit. The plan approval has been extended.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328*

**43-363A: Pennex Aluminum Company** (93 Werner Road, Greenville, PA 16125-9499) on February 22, 2016, effective February 29, 2016, has issued a plan approval extension for the operation of two (2) melting furnaces, a

hold furnace, two (2) homogenizing furnaces, and three (3) billet saws. This facility will be located in Sugar Grove Township, **Mercer County**.

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

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

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

**10-00079: BNZ Materials, Inc.** (191 Front Street, Zelienople, PA 16063-1088) on February 17, 2016, the Department issued the Title V Operating Permit at their facility in Zelienople Borough, **Butler County**. The facility manufactures clay refractories. The facility's major emission sources include clay storage bin transfer, clay silos transfer, sawdust transfer No. 1—holding bin, sawdust transfer No. 2—sawdust silo, sawdust grinder, sawdust transfer No. 3—molding, batcher premix transfer, molding process, No. 2 finishing machine, No. 2 finishing machine feeder, No. 1 finishing machine, power shape machine, special shapes machines, degreasers, miscellaneous natural gas usage, cement fiberboard cutting operation, new power shape machine, railcar unloading, emergency lighting generator, No. 4 kiln control panel emergency generator, hot water heater, No. 3 dryer, No. 3 and No. 4 kilns, laboratory test kiln, and gasoline storage tank. The facility is a major facility due to its potential carbon monoxide emissions. This facility is not subject to compliance assurance monitoring because the individual sources pre-controlled emission does not exceed the Title V emission threshold. The operating permit contains the requirements of Plan Approvals 10-079C and 10-079E. The gasoline storage tank is subject to 40 CFR 63 Subpart CCCCCC—National Emission Standards for Source Category: Gasoline Dispensing Facility. The work practice requirements of 63.11116 pertaining to facilities with monthly throughput of less than 10,000 gallons of gasoline were incorporated into the permit. The No. 4 kiln control panel emergency generator engine is subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Stationary Reciprocating Internal Combustion Engines. The emergency lighting generator engine is subject to 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The actual emissions reported from the facility in 2014 were: CO—90.28 TPY; NO<sub>x</sub>—8.67 TPY; PM<sub>10</sub>—5.92 TPY; SO<sub>x</sub>—10.42 TPY; VOC—3.22 TPY; HCl—1.15 TPY; and, HF—2.6 TPY.

**42-00028: Ardagh Glass Incorporated** (1 Glass Place, Port Allegany, PA 16743-1154) on February 19, 2016, issued an administrative amendment to the Title V Operating Permit to incorporate the conditions of plan approvals 42-028F and 42-028G into the permit for the facility located in Port Allegany Borough, **McKean County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00259: EPP Renewable Energy, LLC** (660 Thomas Road, Lafayette Hill, PA 19444) On February 17, 2016 for renewal of a State-Only Operating Permit for the

operation of a central utility plant located in Whitemarsh Township, **Montgomery County**.

**09-00221: Bucks County Courier Times** (2 Geoffrey Drive, Fairless Hills, PA 19030-4310) On February 17, 2016 for initial State Only (Synthetic Minor) Operating Permit for its newspaper production facility located in Falls Township, **Bucks County**.

**15-00103: Christiana Cabinetry** (504 Rosemont Avenue, Atglen, PA 19310-9449) On February 17, 2016 for the renewal of a State Only Operating Permit for the operation of spray booths at a custom cabinet manufacturing facility located in Atglen Borough, **Chester County**.

**23-00096: County of Delaware George W. Hill Correctional Facility**, (500 Cheyney Road, Thornton, PA 19373) On February 19, 2016 for the renewal of a State Only Operating (Synthetic Minor) to operate seven (7) diesel-fired engines and various small natural gas-fired hot water heaters at the correctional facility located in Concord Township, **Delaware County**.

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

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

**39-00080: Muhlenberg College** (2400 West Chew Street, Allentown, PA 18104-5564) issued on 1/20/16, for operation in the City of Allentown, **Lehigh County**. The sources consist of two (2) boilers, miscellaneous combustion units, twenty-six (26) emergency generators, and one (1) fire pump. The permittee shall demonstrate compliance through emission limitations, fuel type, and fuel usage restrictions. 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.

**52-00003: G.F. Edwards, Inc.** (204 State Route 435, Elmhurst, PA 18444-7692) issued on 1/22/16, for the operation of a sand and stone processing plant in Greene Township, **Pike County**. The sources consist of four (4) crushers, five (5) screens, and associated conveyors. The fugitive emissions are controlled by a water spray system. 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.

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

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

**22-05050: Dauphin Meadows, Inc.** (100 Brandywine Blvd., Suite 300, Newtown, PA 18940-4002) on February 12, 2016, for the Dauphin Meadows Landfill located in Washington Township, **Dauphin County**. The State-only permit was renewed.

**67-05068: Highway Materials, Inc.** (1750 Walton Road, PO Box 1667, Blue Bell, PA 19422-0465) on February 16, 2016, for the Wrightsville batch asphalt plant located in Hellam Township, **York County**. The State-only permit was renewed.

**67-05031: Wayneco, Inc.** (800 Hanover Road, York, PA 17404-6212) on February 17, 2016, for the wood kitchen

cabinet manufacturing facility located in Jackson Township, **York County**. The State-only permit was renewed.

**28-05048: Wipro Enterprises, Inc.** (1101 Scheffler Drive, PO Box 371, Chambersburg, PA 17201-0371) on February 17, 2016, for the hydraulic cylinder manufacturing facility located in Chambersburg Borough, **Franklin County**.

**28-05050: Strait Steel, Inc.** (PO Box 370, Greencastle, PA 17225-0370) on February 17, 2016, for the structural steel fabrication facility located in Antrim Township, **Franklin County**.

**44-03015: First Quality Baby Products, LLC** (97 Locust Road, Lewistown, PA 17044-9340) on February 17, 2016, for the disposable diaper/training pants manufacturing facility located in Granville Township, **Mifflin County**. The State-only permit was renewed.

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

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

**60-00020: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837-6840) on February 17, 2016 issued a state only operating permit for the Lewisburg facility located in Buffalo Township, **Union County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**03-00209: Buffalo Limestone, Inc./Stitt Mine Plant** (805 Garretts Run Road, Ford City, PA 16226) on February 19, 2016, the Department issued a Natural Minor Operating Permit renewal for the processing of limestone located in the Kittanning Township, **Armstrong County**.

**65-00807: Hanson Aggregates BMC, Inc./Whitney Quarry** (Armel Hollow Road, Latrobe, PA 15650) on February 22, 2016, the Department issued a State Only Operating Permit renewal for the processing of crushed limestone into various construction aggregate products, bituminous asphalt, concrete and general construction purposes located in Unity Township, **Westmoreland County**.

**65-00927: Hoover Stone Quarry, LLC/Saltsburg Plant** (3497 Route 981, Saltsburg, PA 15681) on February 22, 2016, the Department issued a State Only Operating Permit renewal for the surface mining operation of shale and sandstone located in Loyalhanna Township, **Westmoreland County**.

**65-00065: Hanson Aggregates BMC, Inc./Lower Burrell Plant** (200 Industrial Blvd., New Kensington, PA 15068) on February 22, 2016, the Department issued a State Only Operating Permit renewal for the sand and gravel depot, barge unloading, aggregate handling, stockpiling and loading of trucks for shipment located in the City of Lower Burrell, **Westmoreland County**.

**65-00073: Hanson Aggregates BMC, Inc./Latrobe Asphalt Plant** (100 Quarry Lane, Ligonier, PA 15658) on February 18, 2016, the Department issued a State Only Operating Permit renewal for the operation of a hot mix asphalt facility located in Ligonier Township, **Westmoreland County**.

**65-00143: Hanson Aggregates BMC, Inc./Torrance Quarry** (311 Quarry Road, Blairsville, PA 15717) on February 19, 2016, the Department issued a State Only Operating Permit renewal for operation of crushing limestone into various construction aggregate products, bituminous asphalt, concrete and general construction purposes located in Derry Township, **Westmoreland County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**14-00008: Bolton Metal Products Co. Inc.** (2042 Axemann Rd., Ste. 300, Bellefonte, PA 16823-8142), issued a revised state only operating permit on February 18, 2016 for a change of ownership of the Titan Energy Park facility from Vital Chemicals USA, LLC to Bolton Metal Products Co. Inc. This facility is located in Spring Township, **Centre County**. This revised operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**67-05111: Johnson Controls, Inc.** (1499 East Philadelphia Street, York, PA 17403). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.62 TPY VOC resulting from the construction of two (2) fin presses at its East York Plant located in Spring Garden Township, **York County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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

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

The Department has reviewed a de minimis emission increase submittal (via Request For Determination) from **Coresco, LLC** (308 Dents Run Road, Morgantown, WV 26501) for a proposed throughput increase at the facility from 3.0 million tons per year (tpy) to 4.0 million tpy for any 12 consecutive month period at their Dooley Run Terminal located in Dunkard Township, **Greene County**.

The facility currently operates under State Only Operating Permit **56-00177**. The Department hereby approves the de minimis emission increase and is requiring modification of the operating permit via a Minor Operating Permit Modification prior to implementation of the production increase. This source is exempt from plan approval as it complies with 25 Pa. Code § 127.449. This is the first de minimis emission increase which has occurred since their current Operating Permit was issued

on May 22, 2012. Emissions are estimated to increase by 0.03 tpy PM<sub>10</sub> a result of this project.

## 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

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

**24960101. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface and auger mine in Horton Township, **Elk County**, affecting 235.0 acres. Receiving streams: Mead Run. This renewal is for reclamation only. Application received: December 10, 2015. Permit Issued: February 16, 2016.

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

**Permit No. 13980201R3. Rossi Excavating Company**, (RR 1 Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 18.0 acres, receiving stream: Beaver Creek. Application received: November 5, 2013. Renewal issued: February 17, 2016.

**Permit No. 13980201GP104. Rossi Excavating Company**, (RR 1 Box 189E, Beaver Meadows, PA 18216), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13980201 in Banks Township, **Carbon County**, receiving stream: Beaver Creek. Application received: November 5, 2013. Renewal issued: February 17, 2016.

**Permit No. 49151301GP104. Clinton M. Wynn Mining**, (419 Shingara Lane, Sunbury, PA 17801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 49151301 in Zerbe and West Cameron Townships, **Northumberland County**, receiving streams: Zerbe Run and unnamed tributaries to Shamokin Creek. Application received: February 26, 2015. Permit issued: February 17, 2016.

**Permit No. 54850103R6. Michael Coal Company**, (PO Box 8, Williamstown, PA 17098), renewal of an existing anthracite surface mine for reclamation activities only in Tremont and Frailey Townships, **Schuylkill County** affecting 217.6 acres, receiving stream: Good



Spring Creek. Application received: September 18, 2015. Renewal issued: February 17, 2016.

**Permit No. 54850103GP104. Michael Coal Company**, (PO Box 8, Williamstown, PA 17098), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54850103 in Tremont and Frailey Townships, **Schuylkill County**, receiving stream: Good Spring Creek. Application received: September 18, 2015. Permit issued: February 17, 2016.

**Permit No. 49050101R2. Farragut Anthracite Company**, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine and coal refuse disposal operation in Coal & Zerbe Townships, **Northumberland County** affecting 578.0 acres, receiving stream: unnamed tributary to Carbon Run. Application received: March 23, 2015. Renewal issued: February 18, 2016.

**Permit No. 49050101GP104. Farragut Anthracite Company**, (122 Wilburton Road, Mt. Carmel, PA 17851), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49050101 in Coal and Zerbe Townships, **Northumberland County**, receiving stream: unnamed tributary to Carbon Run. Application received: March 23, 2015. Permit issued: February 18, 2016.

**Permit No. 54850202R6. B-D Mining Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine, coal refuse preprocessing, refuse disposal and preparation plant operation in Gilberton and Shenandoah Boroughs, West Mahanoy and Mahanoy Townships, **Schuylkill County** affecting 1,590.0 acres, receiving stream: Mahanoy Creek. Application received: March 30, 2015. Renewal issued: February 18, 2016.

**Permit No. 54850202GP104R. B-D Mining Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54850202 in Gilberton and Shenandoah Boroughs, West Mahanoy and Mahanoy Townships, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: March 30, 2015. Renewal issued: February 18, 2016.

**Permit No. 40763204R. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 61.2 acres, receiving stream: Newport Creek. Application received: September 11, 2015. Renewal issued: February 18, 2016.

**Permit No. 40763204GP104. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40763204 in Newport Township, **Luzerne County**, receiving stream: Newport Creek. Application received: September 11, 2015. Permit issued: February 18, 2016.

**Permit No. 49970203R2. Mid-Valley Coal Sales, Inc.**, (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Coal Township, **Northumberland County** affecting 533.0 acres, receiving stream: Shamokin Creek. Application received: August 30, 2007. Renewal issued: February 19, 2016.

**Permit No. 49970203R3. Mid-Valley Coal Sales, Inc.**, (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Coal Township, **Northumberland County** affecting 533.0 acres, receiving stream: Shamokin Creek. Application received: December 23, 2013. Renewal issued: February 19, 2016.

**Permit No. 49970203GP104. Mid-Valley Coal Sales, Inc.**, (212 West Cherry Street, Mt. Carmel, PA 17851), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49970203 in Coal Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: December 23, 2013. Permit issued: February 19, 2016.

*Noncoal Permits Issued*

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

**Permit No. 0179301 and NPDES No. PA0122297. Gettysburg Granite, LLC**, 1800 Baltimore Pike, Gettysburg, PA 17325 renewal of NPDES permit, Mt. Joy Township, **Adams County**. Receiving streams: unnamed tributary to Rock Creek to Monocacy River classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 11, 2015. Permit Issued: February 12, 2016.

**Permit No. 28130302. RA Hill, Inc.**, 1364 Lincoln Way East, Chambersburg, PA 17202 commencement, operation and restoration of a large noncoal (industrial minerals) operation in Hamilton Township, **Franklin County** affecting 52.39 acres. Receiving streams: unnamed tributary to Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 18, 2015. Permit Issued: February 19, 2016.

**Permit No. 28130302-GP104. RA Hill, Inc.**, 1364 Lincoln Way East, Chambersburg, PA 17202. General NPDES Permit for storm water discharges associated with mining activities on large noncoal (industrial minerals) operation in Hamilton Township, **Franklin County**. Receiving streams: unnamed tributary to Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: March 18, 2015. Coverage Approved: February 19, 2016.

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

**33152802-GP-104. Michael Defelice** (106 Pershell Drive, Punxsutawney, PA 15767) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 33152802 in Young Township, **Jefferson County**. Receiving streams: Unnamed tributary to Canoe Creek. Application received: June 15, 2015. Permit Issued: February 16, 2016.

**43150301-GP-104. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43150301 in Lake Township, **Mercer County**. Receiving streams: Little Shenango River. Application received: July 10, 2015. Permit Issued: February 16, 2016.

**4379305-GP-104. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141) General

NPDES Permit for stormwater discharges associated with mining activities on Mine Drainage Permit No. 4379305 in East Lackawannock Township, **Mercer County**. Receiving streams: Neshannock Creek. Application received: November 23, 2015. Permit Issued: February 16, 2016.

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

**08152501-GP-104. Northstar Leasing Inc. dba Northstar Stone, Inc.** (P. O. Box 322, Meshoppen, PA 18630) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with General Permit-105 No. 08152501 to the following surface water(s) in Asylum Township, **Bradford County**. Receiving stream(s): Durrell Creek to the Susquehanna River classified as WWF, MF. Application received: September 17, 2015. Permit issued: February 16, 2016.

**14920301 and NPDES PA0207039. Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823). NPDES renewal on an existing large noncoal surface mining site located in Haines Township, **Centre County** affecting 96.7 acres. Receiving stream(s): Pine Creek classified for the following uses: EV. Application received: October 1, 2015. Permit issued: February 8, 2016.

**14040302 and NPDES PA0256111. Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823). New NPDES permit for a large noncoal surface mining site located in Haines Township, **Centre County** affecting 96.7 acres. Receiving stream(s): Pine Creek classified for the following uses: EV. Application received: October 1, 2015. Permit issued: February 4, 2016.

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

**Permit No. 58150812. Barry M. Abbott**, (11150 Laurel Lake Road, Montrose, PA 18801), Commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Snake Creek. Application received: September 14, 2015. Permit issued: February 17, 2016.

**Permit No. 58150812GP104. Barry M. Abbott**, (11150 Laurel Lake Road, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150812 in Liberty Township, **Susquehanna County**, receiving stream: unnamed tributary to Snake Creek. Application received: September 14, 2015. Permit issued: February 17, 2016.

**Permit No. 58142504. Michael LePre**, (5766 SR 11, Hop Bottom, PA 18824), Commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 3.3 acres, receiving stream: unnamed tributary to Meshoppen Creek and unnamed tributary to Horton Creek. Application received: April 10, 2015. Permit issued: February 17, 2016.

**Permit No. 58142504GP104. Michael LePre**, (5766 SR 11, Hop Bottom, PA 18824), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58142504 in Brooklyn Township, **Susquehanna County**, receiving stream: unnamed tributary to Meshoppen Creek and unnamed tributary to Horton Creek. Application received: April 10, 2015. Permit issued: February 17, 2016.

**Permit No. 58150801. A. Frank Rowe**, (2917 Cheshire Road, Wilmington, DE 19810), Commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 5.0 acres,

receiving stream: unnamed tributary to Dry Creek. Application received: December 17, 2014. Permit issued: February 18, 2016.

**Permit No. 58150801GP104. A. Frank Rowe**, (2917 Cheshire Road, Wilmington, DE 19810), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150801 in Brooklyn Township, **Susquehanna County**, receiving stream: unnamed tributary to Dry Creek. Application received: December 17, 2014. Permit issued: February 18, 2016.

**Permit No. 58150805. Jason W. Rozell**, (PO Box 78, South Montrose, PA 18801), Commencement, operation and restoration of a quarry operation in Jessup & Bridgewater Townships, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to South Branch. Application received: April 28, 2015. Permit issued: February 18, 2016.

**Permit No. 58150805GP104. Jason W. Rozell**, (PO Box 78, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150805 in Jessup & Bridgewater Townships, **Susquehanna County**, receiving stream: unnamed tributary to South Branch. Application received: April 28, 2015. Permit issued: February 18, 2016.

**Permit No. 58150815. Juan Loja**, (1525 Fair Hill Road, New Milford, PA 18834), Commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 4.1 acres, receiving stream: Nine Partners Creek. Application received: September 21, 2015. Permit issued: February 18, 2016.

**Permit No. 58150815GP104. Juan Loja**, (1525 Fair Hill Road, New Milford, PA 18834), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150815 in Harford Township, **Susquehanna County**, receiving stream: Nine Partners Creek. Application received: September 21, 2015. Permit issued: February 18, 2016.

**Permit No. 58150811. Robert Linden**, (6089 Peterson Road, Montrose, PA 18801), Commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 5.0 acres, receiving stream Hop Bottom Creek. Application received: August 3, 2015. Permit issued: February 18, 2016.

**Permit No. 58150811GP104. Robert Linden**, (6089 Peterson Road, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150811 in Brooklyn Township, **Susquehanna County**, receiving stream: Hop Bottom Creek. Application received: August 3, 2015. Permit issued: February 18, 2016.

**Permit No. 35150801. Ransom Holdings, LLC**, (600 Rocky Glen Road, Moosic, PA 18507), Commencement, operation and restoration of a quarry operation in Taylor Borough, **Lackawanna County** affecting 5.0 acres, receiving stream: St. John's Creek. Application received: December 12, 2014. Permit issued: February 22, 2016.

**Permit No. 35150801GP104. Ransom Holdings, LLC**, (600 Rocky Glen Road, Moosic, PA 18507), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35150801 in Taylor Borough, **Lackawanna County**, receiving stream: St. John's Creek. Application received: December 12, 2014. Permit issued: February 22, 2016.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Issued*

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

**Permit No. 35164101. John H. Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Barber house foundation in Benton Township, **Lackawanna County** with an expiration date of April 30, 2016. Permit issued: February 17, 2016.

**Permit No. 40164104. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Freedom Generation Plant in Salem Township, **Luzerne County** with an expiration date of December 31, 2016. Permit issued: February 17, 2016.

**Permit No. 52164102. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for I-84 improvements in Blooming Grove, Dingman, Westfall and Milford Townships, **Pike County** with an expiration date of February 15, 2019. Permit issued: February 17, 2016.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E36-944: Forino Co., L.P.**, 555 Mountain Home Road, Sinking Spring, Pennsylvania, 19608 in Mount Joy Township, **Lancaster County**, U. S. Army Corps of Engineers Baltimore District.

To construct and maintain: 1) a 330 foot long by 70 foot wide wetland road crossing, permanently impacting 0.20 acre of exceptional value palustrine emergent wetlands; 2) a 24 inch diameter outfall with rock riprap scour protection in a wetland, and 3) 190 lineal feet of 8 inch diameter water line with pipe bedding material. The project is located near the intersection of Merts Drive and Cloverleaf Road (Latitude 40°08'44", Longitude -76°33'47") in Mount Joy Township, Lancaster County. To compensate for the wetland impacts, the applicant proposes to provide 0.39 acre of replacement wetlands.

**E06-704: PennDOT Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101 in Centre Township, **Berks County**, U. S. Army Corps of Engineers Philadelphia District.

To (1) remove existing culvert in Leshar Run (WWF, MF); (2) install and maintain a 29-foot long by 16-foot wide by x 5-foot box culvert with 1 foot uniform depression with scour protection in Leshar Run (WWF, MF); (3) relocate and maintain 90-linear feet of Leshar Run (WWF, MF), (4) reconstruct SR 4015 over and in the floodplain of Leshar Run (WWF, MF), and (5) to place fill within 0.03 acre of PEM and PSS wetlands, all for the purpose of improving transportation safety and roadway standards. The project proposes to have a total of 141 linear feet of permanent stream impact and 66 linear feet of temporary impacts, 0.03 acre of permanent wetland impacts and 0.02 acre of temporary wetland impacts, and 0.08 acre of permanent and 0.015 acre of temporary floodplain impacts. The project is located on SR 4015 Section 01B in Centre Township, Berks County (Latitude: 40° 29' 44"; Longitude: -76° 03' 03.9").

**E21-450: John K. and Gina D. Peters**, 17 South Ridge Road, Boiling Springs, PA 17007 in Monroe Township, **Cumberland County**, U. S. Army Corps of Engineers Baltimore District.

To construct and maintain a proposed single span reinforced concrete bridge crossing an unnamed tributary to Yellow Breeches Creek (HQ-CWF, MF). The proposed bridge dimensions consist of a 21-foot normal span, 12-foot out-to-out width, with a 4-foot average underclearance. No wetlands are within the project area. The project is located on Indian Peg Road (Latitude: 40° 08' 19";

Longitude: -77° 05' 14") approximately 0.25 mile east of its intersection with Kuhn Road in Monroe Township, Cumberland County.

**E21-448: Silver Spring Township**, 8 Flowers Drive, Mechanicsburg, PA in Silver Spring Township, **Cumberland County**, U. S. Army Corps of Engineers Baltimore District.

The applicant proposes to place and maintain 2,920 cubic yards of fill in the FEMA-delineated 100-year floodplain of Trindle Spring Run (CWF), impacting 1.58 acre of floodplain, for the purpose of realigning Mulberry Drive in order to eliminate a sharp bend, all in Silver Spring Township, Cumberland County (USGS Quad: Mechanicsburg, PA; Latitude: 40° 14' 0.1"; Longitude: -77° 0' 56.9").

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

**E53-447. Pennsylvania Historical and Museum Commission**, 400 North Street, Room N118, Harrisburg, PA 17120-0211. PHMC Pennsylvania Lumber Museum Mill Pond Commissioner Run Water Intake and Supply Pipeline Project. Ulysses Township, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle, Latitude: 41° 46' 50"; Longitude: 77° 49' 48.2").

The Department is giving consent to (1) abandon an existing water intake structure; (2) construct operate, and maintain an in-stream intake structure and supply pipeline in and along Commission Run for water supply to the mill pond at the Pennsylvania Lumber Museum. The water intake structure within the stream shall be constructed as single log cross vane with a six inch diameter pipe affixed along the vane arm and in the throat of the log structure. The water supply pipeline shall be constructed below existing overbank grades with a six inch diameter pipe and a valve box. Since Commissioner Run is Class A wild trout fishery, no in-stream construction or intake repair shall be conducted between October 1 and April 14 without prior written approval of the Pennsylvania Fish & Boat Commission. Neither the water intake structure nor supply pipeline shall impact wetlands. The project is located along the northern right-of-way of SR 0006 at the intersection of Denton Hill State Park and SR 0006. All in-stream construction activity shall be performed in dry work conditions by dam and pumping, fluming or diverting stream flow around the stream section where activities are to be conducted.

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

**E11-353, PennDOT District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, West Taylor Township, **Cambria County**, ACOE Pittsburgh District.

Has been given consent to:

Remove the existing SR 3041, 33.8 foot wide, 68 foot total span, 3.32 foot underclearance two span bridge over Laurel Run (HQ-CWF) with a drainage area of 13.9 square miles and construct and maintain a 46 foot wide, 68 foot span, 3.35 foot underclearance, single span replacement bridge in the same location; in addition, construct and maintain associated stormwater outfalls, and temporarily impact 140 foot of stream for the purpose of constructing these encroachments.

The project is located in West Taylor Township, PA approximately one half mile northeast of the City of Johnstown's northern limit (Johnstown Quadrangle, N:

21.4 inches; W: 8.5 inches; Latitude 40° 35' 12"; Longitude -80° 2' 44") in Cambria County.

**E63-671, John Sisson Motors, Inc.**, 470 Washington Road, Washington, PA 15301, South Strabane Township, **Washington County**, ACOE Pittsburgh District.

Has been given consent to:

Construct and maintain a 160 linear foot long culvert extension consisting of a 60 inch diameter reinforced concrete pipe culvert to an existing stream enclosure originally authorized by E63-131. This permit also transfers the operation and maintenance of the existing 200 linear foot long reinforced concrete pipe stream enclosure and replaces that permit (E63-131) in its entirety. The culvert is located in an unnamed tributary (UNT) to Chartiers Creek (WWF) and is for the purpose of expanding the existing John Sisson, Inc. Mercedes-Benz dealership building and parking lot, located at 470 Washington Road (Washington East, PA USGS Topographic Quadrangle; Latitude: 40° 11' 19"; Longitude: -80° 12' 42"), in South Strabane Township, Washington, County. The permanent impacts to 160 linear feet of watercourse will be mitigated, downstream from the proposed structure, by restoring 181 linear feet of the same UNT to Chartiers Creek.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESG15-019-0063

Applicant Mountain Gathering LLC-Kiley to Galan Gas Pipeline

Contact Mr. Dewey Chalos

Address 810 Houston Street

City Fort Worth State TX Zip Code 76102

County Butler Township(s) Jefferson, Winfield & Clearfield

Receiving Stream(s) and Classification(s) UNT to Rough Run (HQ-TSF) and Rough Run (HQ-TSF)/Buffalo Creek

## ESCGP-2 #ESG15-019-0060

Applicant Mountain Gathering, LLC-Galan Gas Pipeline  
 Contact Mr. Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township(s) Clearfield & Summit  
 Receiving Stream(s) and Classification(s) UNT to Little Buffalo Run (HQ-TSF), Little Buffalo Run (HQ-TSF), Sarvar Run (HQ-TSF), and UNT to Rough Run (HQ-TSF)/North Branch Rough Run Watershed, Rough Run Watershed, and Little Buffalo Run Watershed

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

## ESCGP-2 # ESX11-015-0179

Applicant Name Chief Oil & Gas LLC  
 Contact Person Jeffrey Deegan  
 Address 6051 Wallace Rd, Ext, Suite 300  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Wilmot  
 Receiving Stream(s) and Classification(s) UNT to Panther Lick Ck (CWF, MF)  
 Secondary—Panther Lick Creek

## ESCGP-2 # ESX29-115-15-0049

Applicant Name Williams Field Services Co LLC  
 Contact Person Lauren Miladinovich  
 Address Park Place Corp Ctr 2, 2000 Commerce Dr  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna  
 Township(s) Bridgewater  
 Receiving Stream(s) and Classification(s) UNT to Meshopen Ck (CWF, MF)

## ESCGP-2 # ESX29-015-16-0001

Applicant Name EOG Resources Inc  
 Contact Person Greg Shaffer  
 Address 2039 S Sixth St  
 City, State, Zip Indiana, PA 15701  
 County Bradford  
 Township(s) Springfield, Smithfield, Burlington & W Burlington  
 Receiving Stream(s) and Classification(s) Browns Ck (WWF, MF); Deeflick Run (WWF); Wallace Run (WWF); Tomjack Ck (WWF); W Branch Tomjack Ck (WWFP); Mill Ck (WWF); Pisgah Ck (WWF); Leonard Ck (WWF)  
 Secondary—Sugar Ck

## ESCGP-2 # ESX29-081-16-0002

Applicant Name XTO Energy Inc  
 Contact Person Stacey Vehovic  
 Address 395 Airport Rd  
 City, State, Zip Indiana, PA 15701  
 County Lycoming  
 Township(s) Moreland  
 Receiving Stream(s) and Classification(s) Jakes Run (CWF)  
 Secondary—Little Muncy Ck (CWF)

## ESCGP-2 # ESX10-015-0043(02)

Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Dr, Suite 400  
 City, State, Zip Sewickley, PA 15143  
 County Bradford  
 Township(s) Canton  
 Receiving Stream(s) and Classification(s) UNT to Towanda Ck (CWF, MF)  
 Secondary—Towanda Ck

## ESCGP-2 # ESG29-105-15-0007

Applicant Name JKLM Energy LLC  
 Contact Person Scott C Blauvelt  
 Address 2200 Georgetown Dr, Suite 500  
 City, State, Zip Sewickley, PA 15143  
 County Potter  
 Township(s) Ulysses  
 Receiving Stream(s) and Classification(s) UNTs to Cushing Hollow (HQ, CWF)  
 Secondary—Cushing Hollow (HW, CWF)

## ESCGP-2 # ESX29-117-16-0005

Applicant Name Cardinal Midstream II LLC  
 Contact Person Tommy Baskins  
 Address 8150 N Central Expressway, Suite 1725  
 City, State, Zip Dallas, TX 75206  
 County Tioga  
 Township(s) Westfield  
 Receiving Stream(s) and Classification(s) Crance Brook (CWF)

## ESCGP-2 # ESX29-027-15-0002(01)

Applicant Name Superior Appalachian Pipeline LLC  
 Contact Person Kenneth D Magyar  
 Address 1000 Town Center Way, Suite 120  
 City, State, Zip Cannonsburg, PA 15317  
 County Centre  
 Township(s) Snow Shoe  
 Receiving Stream(s) and Classification(s) UNT to Sandy Run (CWF)  
 Secondary—Sandy Run (CWF)

## ESCGP-2 # ESG29-113-15-0010

Applicant Name Chief Oil & Gas LLC  
 Contact Person Jeff Deegan  
 Address 1720 Sycamore Rd  
 City, State, Zip Montoursville, PA 17754  
 County Sullivan  
 Township(s) Forksville  
 Receiving Stream(s) and Classification(s) Loyalsock Ck (EV)

*Southwest Region: Oil & Gas Program Mgr., 400 Waterfront Dr., Pittsburgh, PA*

## ESCGP-2 No: ESX15-059-0039

Applicant Name: Appalachia Midstream Services LLC  
 Contact Person John T Lattea  
 Address: 190 Midstream Way  
 City: Jane Lew State: WV Zip Code: 26378  
 County: Greene Township: Richhill  
 Receiving Stream(s) and Classifications: Whitethorn Run (TSF), UNTs to Whitethorn Run (TSF), Polen Run (TSF), UNTs to Polen Run (TSF); Wheeling-Buffalo Creeks Watershed (TSF); Other TSF

## ESCGP-2 No.: ESX15-007-0013

Applicant Name: PennEnergy Resources LLC  
 Contact Person: Gregg A Stewart  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Beaver Township(s): Marion  
 Receiving Stream(s) and Classifications: UNT to Connoquenessing Creek; Secondary Receiving Water Connoquenessing Creek

## ESCGP-2 No.: ESG15-059-0049

Applicant Name: EQT Production Company  
 Contact Person: Renee Thomas  
 Address: 2400 Zenith Ridge Road Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: Scott Run and UNT to South Fork Tenmile Creek

ESCGP-2 No.: ESX15-007-0019  
 Applicant Name: PennEnergy Resources LLC  
 Contact Person: Gregg A Stewart  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Beaver Township(s): New Sewickley  
 Receiving Stream(s) and Classifications: UNT to Brush  
 Creek/Slippery Rock Creek; UNT to Dutchman Run/  
 Upper Ohio River; UNT to Crows Run/Upper Ohio  
 River; Other WWF/WWF/WWF

ESCGP-2 No.: ESX15-005-0008  
 Applicant Name: Northeast Natural Energy LLC  
 Contact Person: Hollie Medley  
 Address: 707 Virginia Street Suite 1200  
 City: Charleston State: WV Zip Code: 25301  
 County: Armstrong Township(s): Pine  
 Receiving Stream(s) and Classifications: Mahoning Creek  
 (WWF)/Mahoning Creek; Scrubgrass Creek (CWF)/  
 Mahoning Creek; Other WWF, CWF

ESCGP-2 No.: ESX15-059-0068  
 Applicant Name: Rice Water Services (PA) LLC  
 Contact Person: Kyle Shirey  
 Address: 400 Woodcliff Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: #24737 Castile  
 Run; Other Warm Water Fishes (WWF)

ESCGP-2 No.: ESG15-125-0050  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person: Karl Matz  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code 15317  
 County: Washington Township(s): Mount Pleasant  
 Receiving Stream(s) and Classifications: UNTs to Cross  
 Creek (HQ-WWF/MF, Cross Creek Watershed) and  
 Georges Run (WWF/MF, Chartiers Creek Watershed)  
 HQ; Other WWF/MF

ESCGP-2 No.: ESG15-059-0044  
 Applicant Name: EQT Production Company  
 Contact Person: Todd Klaner  
 Address: 2400 Zenith Ridge Road Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: UNT to Garners  
 Run (HQ-WWF) or Wisecarver Run (HQ-WWF)/Tennmile  
 Creek; HQ

ESCGP-2 No.: ESX09-125-0057 Renewal  
 Applicant Name: EQT Production Company  
 Contact Person: Todd Klaner  
 Address: 2400 Zenith Ridge Road Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Carroll  
 Receiving Stream(s) and Classifications: UNT to  
 Monongahela River, Monongahela River/  
 Monongahela Watershed; Other WWF

ESCGP-2 NO.: ESX12-125-0060 Major Revision  
 Applicant Name: Noble Energy Inc  
 Contact Person: Nicholas J Frosini  
 Address: 1000 Noble Energy Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): West Finley  
 Receiving Stream(s) and Classifications: 1 (One) UNT to  
 Robinson Fork (WWF), Robinson Fork (WWF); Other  
 WWF; Siltation-Impaired

ESCGP-2 NO.: ESX15-007-0011  
 Applicant Name: PennEnergy Resources LLC  
 Contact: Gregg A Stewart

Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Beaver Township(s): New Sewickley  
 Receiving Stream(s) and Classifications: UNT to Brush  
 Creek; Other WWF

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## SPECIAL NOTICES

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### Drinking Water State Revolving Fund Special Notice

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#### Special Notice Under the Federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f, et. seq.)

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

*Project Location:*

The Municipal Authority of the Borough of Somerset, PO Box 71, 347 West Union Street, Somerset, PA 15501-0071, Somerset County (Project No. 56123041512-CW)

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Applicant, The Municipal Authority of the Borough of Somerset, is proposing to construct a new 1.0 MG rectangular concrete finished water storage tank located at the Hickory Hill Water Tank site. The proposed project is located in Somerset Borough, Somerset County. The Department's review of the project concluded that the project is eligible to be categorically excluded from the environmental review process, and a subsequent public review confirmed that there are no exceptional circumstances that warrant an Environmental Assessment.

*Project Location:*

**Nanty Glo Water Authority**, 1015 First Street, Suite 1, Nanty Glo, PA 15943, Cambria County (Project No. 1024041601-CW)

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Applicant, Nanty Glo Water Authority, is proposing to construct two up-flow buoyant media filled clarifier units, two tri-media rapid rate gravity filters, conversion of an existing 35,000 gallon sludge storage tank into a backwash waste equalization tank, a flow water meter and meter pit, a backwash water supply pump station, and the installation of a backwash wastewater plate settler. The proposed project is located in Cambria Township, Cambria County. The Department's review of the project concluded that the project is eligible to be categorically excluded from the environmental review process, and a subsequent public review confirmed that there are no exceptional circumstances that warrant an Environmental Assessment.

#### Proposed State Water Quality Certification Required by section 401 of the Federal Clean Water Act for the Tennessee Gas Pipeline Company, LLC, Northeast Energy Direct Project

*Northeast Region: Waterways & Wetlands Program, 2  
 Public Square, Wilkes-Barre, PA 18711, Joseph Buczynski,  
 Program Manager 570-826-2511*

**WQ02-003, Tennessee Gas Pipeline Company, LLC** (Applicant), 1001 Louisiana Street, Suite 1000, Houston, Texas 77002-5089, Northeast Energy Direct Project (Project), in Brooklyn, Auburn, Dimock, Bridgewater, New

Milford, Jackson, Oakland, Harford, and Harmony Townships, **Susquehanna County** and Asylum, Wyalusing, Tuscarora, Troy, Towanda, Monroe, Granville, West Burlington, and Burlington Townships, Bradford County, Baltimore District Corps of Engineers. The proposed project starts at existing compressor Station 317 at mile post MP 317 0+00 at a point along the existing 300 line pipeline, Sta. 0 + 00 (MP 0) (Canton, PA Quadrangle N: 41°44'17.04", W: 76°47'54.07") and ends at a point at the Pennsylvania/New York Border at Sta. 1979 + 13 (MP 37.48) (Susquehanna, PA Quadrangle N: 41°59'56.57", W: 75°32'28.28").

On October 9, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a Certificate of Public Convenience and Necessity to construct and operate it Project (FERC Docket No. CP 16-21). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP 16-21).

On November 25, 2015, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, includes approximately a 78.42 mile long, 36-inch and 30-inch pipeline (Pennsylvania Portion) for the purpose of transporting natural gas from a point at existing compressor Station 317 at mile post MP 317 0+00 along the 300 line pipeline, Sta. 0 + 00 (MP 0) to a point along the Pennsylvania/New York Border at Sta. 1979 + 13 (MP 37.48). The Project, as proposed, will require approximately 1,754 acres of earth disturbance, and impacts to 2,896 linear feet of UNT's to South Branch Sugar Creek, North Branch Towanda Creek, Little Tuscarora Creek, Fargo Creek, Transue Creek, White Creek, East Branch Martins Creek, East Lake Creek, Lewis Creek, and Mud Creek, Preacher Brook, French Run, Towanda Creek, Ellis Creek, Bennetts Creek, Susquehanna River, Brewer Creek, Wyalusing Creek, Mill Creek, Dug Road Creek, Tuscarora Creek, Little Meshoppen Creek, Nick Creek, Riley Creek, Meshoppen Creek, Hop Bottom Creek, Martins Creek, Meylert Creek, Wellmans Creek, Salt Lick Creek, Drinker Creek, Canawacta Creek, Starrucca Creek, Little Roaring Brook and unnamed tributaries (CWF, WWF, TSF, HQ-CWF), 31 acres of floodway impacts, 55.77 acres of temporary PEM/PSS/PFO wetland impacts, and 4.38 acres of PSS/PFO impacts.

PADEP anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.) and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Projects.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this Certification shall be addressed to the Department of Environmental Protection, Northeast Regional Office, Joseph Buczynski, Waterways and Wetlands Program Manager, 2 Public Avenue, Wilkes-Barre, PA 18711.

9. *Reservation of Rights*—PADEP may suspend or revoke this Certification if it determines that Tennessee Gas Pipeline Company, LLC has not complied with the terms and conditions of this Certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or

relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Mr. Joseph Buczynski, Northeast Region Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

[Pa.B. Doc. No. 16-371. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance Document*

*DEP ID:* 291-4100-001. *Title:* Radiation Protection Compliance and Enforcement Guidance. *Description:* This guidance, which became effective on March 15, 1994, and was updated on November 26, 2005, establishes standard procedures for encouraging compliance with and enforcing the regulations in 25 Pa. Code Part I, Subpart D, Article V (relating to radiological health), which the Bureau of Radiation Protection (Bureau) has the authority to administer. The Bureau's regulatory responsibilities are authorized by the Radiation Protection Act (35 P.S.

§§ 7110.101—7110.703), the Radon Certification Act (63 P.S. §§ 2001—2014) and the Low-Level Radioactive Waste Disposal Act (35 P.S. §§ 7130.101—7130.905). Notice of availability of the draft guidance was published at 45 Pa.B. 4059 (July 25, 2015) for a 30-day comment period ending August 24, 2015, and was corrected for clarity and readability at 45 Pa.B. 4455 (August 8, 2015) for an extended comment period ending September 8, 2015. No public comments were received.

*Contact:* Questions regarding this technical guidance document should be directed to Joseph Melnic, (717) 783-9730 or [jmelnic@pa.gov](mailto:jmelnic@pa.gov).

*Effective Date:* March 5, 2016

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-372. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Bid Opportunity

**OSM 63(3804)101.1, Abandoned Mine Reclamation Project, Monongahela South No. 2, Carroll Township, Washington County.** The principal items of work and approximate quantities include mobilization and demobilization, preparation and implementation of the erosion and sediment, pollution control plan, retaining wall timbers 226, AASHTO No. 57 coarse aggregate 210 tons, fencing 135 linear feet and seeding. This bid issues on March 4, 2016, and bids will be opened on April 5, 2016, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D 2009 format, may be downloaded for free from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). Bid documents and drawings can also be obtained upon payment of \$22, plus \$8 for postage, which includes sales tax by calling (717) 787-7820. Auto-Cad Map 3D 2009 format drawings can also be purchased on a CD for an additional \$5 per CD. Money will not be refunded. 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@pa.gov](mailto:joelmiller@pa.gov) for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-373. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the 2016 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 5, 2016. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance



requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations.

The procedures for calculating land reclamation bonds are described in Technical Guidance Document 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's web site at <http://www.elibrary.dep.state.pa.us>. The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2011—2015, resulting in a rate of 1.52%. This rate of inflation will be used in calculating bond amounts for permit renewal or permit midterm bond liability reviews from April 5, 2016, through April 5, 2017.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.3a(c)) or to bonds ensuring compliance with The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).

#### General Methodology

The Department developed the bond rate guidelines for 2016 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998—2015. For most categories,

a 3-year (2013—2015) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2013 or 2015 that included selective grading. Therefore, a 4-year average of available data was used for the 2016 selective grading bond rate.

In general, the costs for a given unit operation for each year are determined using the weighted average of the three lowest total bids for each contract. However, grading costs were calculated using a frequency distribution in combination with the weighted averages.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1 or 2, then any additional cost information available will be used. If enough data is still not available, the rate will be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2016.

The bond rate guidelines are available electronically at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/ProgramsServices/Bonding/Pages/BondRates.aspx>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### Mine Sealing Costs

The mine sealing bond rate guidelines are presented in Table 2. Mine sealing and borehole sealing bond rate guidelines remain the same for 2016.

#### Effective Date

The bond rate guidelines in this notice become effective April 5, 2016.

**TABLE 1**  
**Standard Bond Rate Guidelines**  
**for Year 2016**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/Demobilization	Job	4% of direct costs or \$40,000, whichever is less
Grading (< 500-foot push)	Cubic Yard	0.90
Grading (≥ 500-foot push/haul)	Cubic Yard	1.50
Selective Grading	Acre	1,700.00
Revegetation	Acre	1,900.00
Tree Planting	Tree	0.75
Ditch Excavation	Cubic Yard	6.25
Jute Matting	Square Yard	3.80
High Velocity Erosion Control	Square Yard	3.80
AASHTO No. 1	Ton	29.00
AASHTO No. 57	Ton	33.00
R3 Rock Lining	Square Yard	38.00
R4 Rock Lining	Square Yard	27.00
R5 Rock Lining	Square Yard	27.00
Geotextile/Filter Fabric	Square Yard	2.50

## NOTICES

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
PVC Lining <sup>1</sup>	Square Yard	12.00
Subsurface Drain	Lineal Foot	20.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Pond Removal Active Phase <sup>2</sup>	Pond	3,800.00
Stage 3 Maintenance Bond Non-Cropland Areas (Land Uses Where Crop Yields are not Required)	Acre	100.00
Stage 3 Maintenance Bond Cropland (not Row Crops)	Acre	500.00
Pastureland or Land Occasional Cut for Hay (Excludes Seed Cost)	Acre	800.00
Stage 3 Maintenance Bond Cropland Area—Row Crops (Includes Seed Cost)	Acre	800.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic Yards (Embankment Volume) Plus Top Soiling and Revegetation Cost	Use < 500 Grading for Pond Embankment Volume Plus Top Soiling and Revegetation Cost for the Area Disturbed
Ditch Removal—Stage 3	Lineal Foot	0.75
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition		Costs will be Calculated Using Costs Listed in the Construction Industry's Latest Annual Cost Publications, such as <i>Means Building Construction Cost Data</i> .

TABLE 2

**Mine Sealing Bond Rate Guidelines  
for Year 2016**

**Sealing Bituminous Underground Mine Drift and Slope Openings**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic yard	128.00
Masonry Work	Square foot	11.00
Fill Material and Earthwork <sup>3</sup>	Cubic yard	23.00
Security Fencing	Lineal foot	29.00
Mobilization Cost	Job	5% of Total Amount

**Sealing Bituminous Underground Mine Shaft Openings**

Concrete Material	Cubic Yard	96.00
Aggregate Material	Cubic Yard	27.00
Fill material and Earthwork <sup>3</sup>	Cubic Yard	4.00
Security Fencing	Lineal Foot	29.00
Mobilization Cost	Job	5% of Total Amount

**Sealing Boreholes at Bituminous Underground Mines**

<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$) Per Lineal Foot</i>
12-Inch or Less Diameter	1,500	5.50
Larger Than 12-Inch Diameter	2,000	5.50

1 Typically used for lining of ponds or ditches crossing fill material.

2 Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

3 Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

**TABLE 3**  
**Land Maintenance Financial Guarantee Fees**  
**for Year 2016**

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	1,000.00
Administrative	300.00

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-374. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Interstate Pollution Transport Reduction; Proposed 2016 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment concerning the proposed Nonelectric Generating Unit (non-EGU) 2016 Ozone Season Nitrogen Oxide (NO<sub>x</sub>) emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO<sub>x</sub> trading programs). The 15-day public comment period will end on March 20, 2016.

Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NO<sub>x</sub> Trading Program budget of 3,619 tons of NO<sub>x</sub>, less a specified adjustment amount, to serve as a Statewide Ozone Season NO<sub>x</sub> emissions cap for new and existing non-EGUs. This NO<sub>x</sub> emissions cap also applies to Clean Air Interstate Rule exempt EGUs that are subject to the NO<sub>x</sub> Budget Trading Program. If total emissions from all of the units exceed the Statewide NO<sub>x</sub> emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The proposed NO<sub>x</sub> emissions limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO<sub>x</sub> Budget Trading Program.

The Statewide cap for 2015 was not exceeded. Therefore, non-EGUs do not need to purchase allowances to meet their 2015 Ozone Season NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The preliminary NO<sub>x</sub> emissions for the 2015 Ozone Season (May through September) reported to the United States Environmental Protection Agency by the owners and operators of the affected non-EGUs are 1,322 tons. The Department's permanent retirement of 3,438 allowances under 25 Pa. Code § 145.8(b) covers all the NO<sub>x</sub> emissions from the affected non-EGUs in 2015.

The NO<sub>x</sub> emissions cap provides 181 tons of NO<sub>x</sub> emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NO<sub>x</sub> Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NO<sub>x</sub> allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NO<sub>x</sub> emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 71 tons of the 181 tons of NO<sub>x</sub> for account adjustments, leaving 110 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

*Retired Units:* Naval Surface Warfare Division Unit 98; Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NO<sub>x</sub> Budget Trading Program units resulted in a permanent NO<sub>x</sub> accounting adjustment of 45 tons).

*Exempt Units:* The Naval Surface Warfare Division (Unit 100) has a 25-ton NO<sub>x</sub> permit limit. The Naval Surface Warfare Division (Unit 99) has a 1-ton NO<sub>x</sub> permit limit. These two exempt status units account for a total adjustment of 26 tons of NO<sub>x</sub> emissions.

*Change in Status Units:* Entrioken Compressor Station (Unit 31601) had previously operated under a 25-ton exemption, but was authorized by a plan approval (31-05019A) issued December 30, 2013, extended April 11, 2014, and has another extension pending, to remove the exemption upon start-up of the Continuous Emission Monitoring System (CEMS). Armaugh Compressor Station (Unit 31301) had previously operated under a 25-ton exemption, but was authorized by a plan approval (32-00230B) issued April 2, 2014, and modified December 16, 2014, to remove the exemption upon start-up of the CEMS. The Entrioken and Armaugh units listed no longer fall into the exempt units category, subjecting both units to the NO<sub>x</sub> Budget requirements in 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction).

The following Proposed Non-EGU 2016 Ozone Season NO<sub>x</sub> Emission Limits table lists the following: the facility name; ORIS code; the unit ID for each non-EGU unit; the operating year; the heat input for the 2015 Ozone Season; the calculated 2016 rate; and the 2016 Ozone Season limit.

Interested persons may submit comments on the proposed non-EGU 2016 Ozone Season NO<sub>x</sub> Emission Limits by March 20, 2016. Commentators are urged to submit comments using the Department's eComment at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063 or [ecomment@pa.gov](mailto:ecomment@pa.gov). Use "proposed non-EGU 2016 Ozone Season NO<sub>x</sub> emission limits" as the subject line in written communication.

Questions concerning this notice should be directed to Randy Bordner, (717) 772-3921, [ranbordner@pa.gov](mailto:ranbordner@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Table 1: Preliminary Non-EGU 2016 Ozone Season NO<sub>x</sub> Emission Limits

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>NO<sub>x</sub> Rate lb/MMBtu</i>	<i>2015 NO<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2016 Rate (lbs/ MMBtu)</i>	<i>2016 OS Limit (Tons NO<sub>x</sub>)</i>
Armagh Compressor Station	880071	31301	0	0	0	Indiana	0.29	0
Bernville Station	880049	32001	0	0	0	Berks	0.29	0
Domtar Paper Company, LLC	54638	40	0.4575	153.625	732,237.6	Elk	0.29	107
Domtar Paper Company, LLC	54638	41	0.4575	135.518	654,118.3	Elk	0.29	96
Entriiken Compressor Station	880072	31601	0	0	0	Huntingdon	0.29	0
Honeywell Resins & Chemicals, LLC	880007	52	0.0751	21.998	588,554.5	Philadelphia	0.29	86
Kimberly-Clark Tissue Company	50410	34	1.5014	0.588	783.3	Delaware	0.29	0
Kimberly-Clark Tissue Company	50410	35	0.054	62.469	2,309,122	Delaware	0.29	338
Merck & Company—West Point	52149	39	0.0818	18.748	458,655.6	Montgomery	0.29	67
Merck & Company—West Point	52149	40	0.0244	16.36	1,341,452	Montgomery	0.29	196
Naval Surface Warfare Division	880009	98	retired			Philadelphia		0
Naval Surface Warfare Division	880009	99	25-ton exemption (limit 1-ton)			Philadelphia		0
Naval Surface Warfare Division	880009	100	25-ton exemption (limit 25-ton)			Philadelphia		0
NextEra Energy MH50	50074	1	0.529	0.351	1,850.723	Delaware	0.29	0
NextEra Energy Marcus Hook, LP	55801	AB01	0	0	0	Delaware	0.29	0
NextEra Energy Marcus Hook, LP	55801	AB02	0	0	0	Delaware	0.29	0
NextEra Energy Marcus Hook, LP	55801	AB03	0.02	2.127	219,359.1	Delaware	0.29	32
NextEra Energy Marcus Hook, LP	55801	AB04	0.0207	7.713	742,220.6	Delaware	0.29	109
P H Glatfelter Company	50397	34	0.4705	231.592	982,767.1	York	0.29	144
P H Glatfelter Company	50397	35	0.4609	184.3	782,271	York	0.29	114
P H Glatfelter Company	50397	36	0.186	102.298	1,103,141	York	0.29	161
Philadelphia Refinery	52106	150137	0.0393	12.541	623,750.9	Philadelphia	0.29	91
Philadelphia Refinery	52106	150138	0	0	0	Philadelphia	0.29	0
Philadelphia Refinery	52106	150139	0.039	21.992	1,109,261	Philadelphia	0.29	162

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>NO<sub>x</sub> Rate lb/MMBtu</i>	<i>2015 NO<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2016 Rate (lbs/ MMBtu)</i>	<i>2016 OS Limit (Tons NO<sub>x</sub>)</i>
Philadelphia Refinery	52106	150140	0.039	25.822	1,280,048	Philadelphia	0.29	187
Philadelphia Refinery	52106	150145	new 6-17-2015			Philadelphia		0
Procter & Gamble Paper Products	50463	328001	0.142	132.947	1,878,545	Wyoming	0.29	275
Procter & Gamble Paper Products	50463	328002	0.0089	8.13	2,118,103	Wyoming	0.29	310
Shenango Incorporated	54532	6	long-term cold storage			Allegheny		0
Shenango Incorporated	54532	9	long-term cold storage			Allegheny		0
Shermans Dale Station	880050	31801	0	0	0	Perry	0.29	0
Trainer Refinery	880025	33	0	0	0	Delaware	0.29	0
Trainer Refinery	880025	34	0.0041	1.549	751,358.3	Delaware	0.29	110
Trainer Refinery	880025	35	0.0045	1.766	791,629.3	Delaware	0.29	116
US Steel (Clairton Coke)	50729	CLBLR1	0.1867	89.337	895,147.2	Allegheny	0.29	131
US Steel (Clairton Coke)	50729	CLBLR2	0.127	35.681	497,805.4	Allegheny	0.29	73
US Steel (Edgar Thomson)	50732	ETBLR1	0.0254	13.874	1,117,134	Allegheny	0.29	163
US Steel (Edgar Thomson)	50732	ETBLR2	0.0222	9.767	896,986.9	Allegheny	0.29	131
US Steel (Edgar Thomson)	50732	ETBLR3	0.0225	12.587	1,165,550	Allegheny	0.29	171
Veolia Energy Philadelphia—Edison Sta	880006	1	0.314	0.011	70	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Sta	880006	2	0.2904	0.122	845	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Sta	880006	3	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Sta	880006	4	1.3661	0.193	1,094.2	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	23	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	24	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	26	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	RSB1	0.0957	2.143	52,220.32	Philadelphia	0.29	8

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>NO<sub>x</sub> Rate lb/MMBtu</i>	<i>2015 NO<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2016 Rate (lbs/MMBtu)</i>	<i>2016 OS Limit (Tons NO<sub>x</sub>)</i>
Veolia Energy Philadelphia—Schuylkill	50607	RSB2	0.0146	0.331	43,068.63	Philadelphia	0.29	6
United Refining (information company e-mail)	880099	4	0.086	15.53	370,680	Warren	0.29	54
Total				1,322.01				3,438

JOHN QUIGLEY,  
Secretary

[Pa.B. Doc. No. 16-375. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Rates to Be Used for Calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement-Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P. S. § 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19b), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface and underground coal mining; general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are described in Technical Guidance 562-4000-102, “Increased Operation and Maintenance Costs of Replacement Water Supplies,” which is available on the Department’s eLibrary web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us).

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

#### Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2011—2015, resulting in a rate of 1.52%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2011—2015 resulting in a rate of 2.98%.

For background information and supporting documentation regarding the rates, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### Effective Date

The rates in this notice will become effective on April 1, 2016. They will remain in effect until new rates are published. It is anticipated that these new rates will be published in February 2017, to be effective April 1, 2017.

JOHN QUIGLEY,  
Secretary

[Pa.B. Doc. No. 16-376. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Residual Waste General Permit WMGR052

The Department of Environmental Protection (Department) by this notice is announcing the issuance of a permit modification 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 residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

This general permit authorizes low permeability cementitious (LPC) material meeting specific parameters provided in the general permit, to be provided to persons for the proposed beneficial use as reclamation material at a specific mine site, provided the reclamation is occurring at that site in accordance with a mining authorization, and the appropriate Department regional office (see page 10 of the general permit) receives a copy of the authorization prior to the beneficial use of the material at the site. LPC material consists of a mixture of lime, flue gas desulfurization (FGD) sludge and coal ash from coal-fired power plants.

A person or municipality that proposes to produce LPC material for beneficial use by operating under the terms and conditions of this general permit after the date of permit issuance must apply for and obtain a “Determination of Applicability” (DOA) from the appropriate Department Regional Office (see page 10 of the general permit) prior to beginning authorized activities under this general

permit. A completed application on forms available from the Department must be submitted to the appropriate Department regional office.

The Department has made a number of modifications to the general permit to:

1. Bring the general permit into compliance with 25 Pa. Code Chapter 290 (relating to beneficial use of coal ash) regarding the beneficial use of waste material comprised of a mixture of lime, FGD and coal ash.
2. Narrow the scope of the general permit by limiting the beneficial use of the mixture of lime, FGD and coal ash material to permitted mining activity sites.
3. Improve coordination between the Department's Waste and Mining Programs regarding the approval of the material and use of the material on mine sites.
4. Increase public notice and the opportunity for the public to comment on both the waste general permit and the proposed use of the material on a permitted or authorized mine site.

The Department published proposed modifications to WMGR052 at 45 Pa.B. 4839 (August 15, 2015), and held a 60-day public comment period. Public comments were considered and addressed in the comment and responses document prepared for this general permit. Persons interested in receiving a copy of the comment and responses document may submit a request by e-mail to ra-epbenuseall@pa.gov. E-mail requests should have "WMGR052 Comment & Response Document" in the subject line. A copy may also be obtained by contacting the Division of Municipal and Residual Waste at (717) 787-7381.

The permit was issued by the Department and becomes effective on March 5, 2016.

Persons interested in obtaining a copy of the amended general permit can download a copy at [http://www.dep.pa.gov/Business/Land/Waste/SolidWaste/Residual/Permitting/Pages/BeneficialUsePermits.aspx#.VrSfu\\_Mo7X5](http://www.dep.pa.gov/Business/Land/Waste/SolidWaste/Residual/Permitting/Pages/BeneficialUsePermits.aspx#.VrSfu_Mo7X5) or may request a copy by contacting the Division of Municipal and Residual Waste, Bureau of Waste Man-

agement, P. O. Box 69170, Harrisburg, PA 17106-9170, (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-377. Filed for public inspection March 4, 2016, 9:00 a.m.]

**State Board for Certification of Sewage Enforcement Officers 2016 Meeting Schedule**

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) will meet at 10 a.m. on the following dates in the 11th Floor Conference Room B, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA to discuss the certification of new Sewage Enforcement Officer (SEO) candidates who have taken the SEO Certification Examination, acceptance of prior Board meeting minutes and any new issues of concern.

- Wednesday, March 16, 2016
- Wednesday, June 29, 2016
- Wednesday, September 21, 2016
- Wednesday, December 21, 2016

Questions concerning these meetings can be directed to (717) 772-2186 or RA-seotrng@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5157 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-378. Filed for public inspection March 4, 2016, 9:00 a.m.]

**Stream Redesignation Evaluations**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream sections listed to determine the proper aquatic life use designation in the Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Emeigh Run	Cambria	West Branch Susquehanna River
UNT 4088 to Lehigh Canal, source to Phifer Ice Dam Inlet	Carbon	Lehigh Canal
UNT 3336 to Lehigh Canal "Morgan Valley Run"	Northampton	Lehigh Canal
UNT 2204 to Little Schuylkill River	Schuylkill, Berks	Little Schuylkill River
UNT 54466 to Marsh Run	Crawford	Marsh Run
Martins Creek	Northampton	Delaware River
Holt Run	Centre	Bald Eagle Creek
Big Spring Creek mainstem, Rt. 641 (Carlisle Newville Rd.) Bridge to mouth	Cumberland	Conodoguinet Creek

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
UNT 2248 "Rabbit Run" to Little Schuylkill River	Schuylkill	Little Schuylkill River
Penns Creek, source to Pine Creek	Centre	Centre
Aylesworth Creek	Lackawanna	Lackawanna River
Brace Brook	Susquehanna, Wayne	Lackawanna River
UNT 3338 to Lehigh River	Northampton	Lehigh River
UNT 45591 to Stonycreek River	Somerset	Stonycreek River
Little Dent Run	Cameron	Bennett Branch Sinnemahoning Creek
Peet Brook	Potter	Allegheny River
UNT 4074 to Mahoning Creek	Schuylkill	Mahoning Creek
Sand Run	Tioga	Wilson Creek
Stony Run	Union	Laurel Run
UNT 22968 to Spring Creek	Centre	Spring Creek
Mosquito Creek	Lycoming	West Branch Susquehanna River
Douglas Run	Cambria, Indiana	West Branch Susquehanna River
Fishing Creek mainstem, Cedar Run to UNT 22417 "Axe Factory Hollow"	Clinton	Bald Eagle Creek
Raughtown Creek	Lycoming, Clinton	UNT Antes Creek
Sixpenny Creek	Berks	Schuylkill River
Laurel Run	Huntingdon	Great Trough Creek

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Mark Brickner, Division of Water Quality Standards, Bureau of Clean Water, P. O. Box 8774, Harrisburg, PA 17105-8774 or mbrickner@pa.gov. Data should be submitted within 30 days of this notice. Questions concerning this evaluation can be directed to Mark Brickner at (717) 787-9637.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brickner directly at (717) 783-9719 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-379. Filed for public inspection March 4, 2016, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Montgomery County

The Department of General Services (Department) will accept bids for the purchase of 0.25 acre ± of land and a single family dwelling containing 1,276 square feet gross living area located at 1732 Sterigere Street, Norristown, Montgomery County. Bids are due Thursday, May 19, 2016. Interested parties wishing to receive a copy of Solicitation No. 94790 should view the Department's web site at [www.dgs.pa.gov](http://www.dgs.pa.gov) or call Lisa Kettering at (717) 787-1321.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-380. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Real Estate for Sale Northumberland County

The Department of General Services (Department) will accept bids for the purchase of 10 acres ± of land and 23,131 square feet ± of building areas located at 206 Armory Road, Sunbury, Northumberland County. Bids are due Tuesday, May 24, 2016. Interested parties wishing to receive a copy of Solicitation No. 94791 should view the Department's web site at [www.dgs.pa.gov](http://www.dgs.pa.gov) or call Andrew Lick at (717) 772-8842.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-381. Filed for public inspection March 4, 2016, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for an 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>
Roy A. Himelfarb Surgery Center	28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery) (CPT Codes 43650, 43951, 49654 and 49656)

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. 16-382. Filed for public inspection March 4, 2016, 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 general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation</i>
Chambersburg Hospital	28 Pa. Code § 138.18(b) (relating to EPS studies)
UPMC Hamot	28 Pa. Code § 107.61 (relating to written orders)

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. 16-383. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

ManorCare Health Services—Monroeville  
885 Macbeth Drive  
Monroeville, PA 15146  
FAC ID # 076502

The following long-term nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Willowbrooke Court at Brittany Pointe Estates  
1001 Valley Forge Road  
Lansdale, PA 19446  
FAC ID # 740902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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. 16-384. Filed for public inspection March 4, 2016, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Hospital Payments for Access to Care

The Department of Human Services (Department) is announcing its intended funding allocations for two classes of disproportionate share hospital (DSH) payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals. The Department does not intend to otherwise change its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Background*

The Department intends to allocate funding for two classes of DSH payments to qualifying acute care general hospitals for Fiscal Year (FY) 2015-2016. Specifically, these classes of payments include DSH payments to hospitals providing enhanced access to multiple types of medical care in economically distressed areas and DSH payments to hospitals providing a high volume of services to MA and low-income populations.

#### *DSH Payments to Hospitals Providing Enhanced Access to Multiple Types of Medical Care in Economically Distressed Areas*

For FY 2015-2016, the Department intends to allocate \$15.237 million (\$7.312 million in State general funds and \$7.925 million in Federal funds) upon approval by Centers for Medicare and Medicaid Services (CMS) for DSH payments to qualified hospitals providing enhanced access to multiple types of medical care in economically distressed areas.

#### *DSH Payments to Hospitals Providing a High Volume of Services to MA and Low-Income Populations*

For FY 2015-2016, the Department intends to allocate \$1.651 million (\$0.792 million in State general funds and \$0.859 million in Federal funds) upon approval by CMS for DSH payments to qualified hospitals providing a high volume of services to MA and low-income populations.

#### *Fiscal Impact*

The FY 2015-2016 fiscal impact, as a result of these payments, is \$16.888 million (\$8.104 million in State general funds and \$8.784 million in Federal funds) upon approval by CMS.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-997. (1) General Fund; (2) Implementing Year 2015-16 is \$8,104,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-385. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Statewide Quality Care Assessment Program for Fiscal Years 2015-2016 through 2017-2018

This notice announces an adjustment to the assessment percentage and the estimated aggregate impact on hospitals subject to the assessment under the Statewide Quality Care Assessment Program (Program) for Fiscal Years (FY) 2015-2016 through 2017-2018, as well as the creation of an additional class of hospital that is exempt from paying the monetary assessment.

#### *Background*

Article VIII-G of the Human Services Code (law),<sup>1</sup> authorizes the Department of Human Services (Department) to implement the Program beginning July 1, 2010. Under the law, the Department imposes a monetary assessment on all licensed hospitals in this Commonwealth other than certain exempt hospitals.<sup>2</sup> See 62 P. S. §§ 801-G—816-G.

#### *Adjusted Assessment Rate and Estimated Impact on Hospitals*

The act of December 28, 2015 (P. L. 500, No. 92) (Act 92) amended the law. Act 92 added several new provisions to the law, amended the list of hospitals exempt from paying the monetary assessment to include certain cancer hospitals and provided that the assessment percentage rate under the Program was adjusted to 3.71% of net inpatient revenue of the covered hospitals beginning

<sup>1</sup> Article VIII-G was added to the law by the act of July 9, 2010 (P. L. 336, No. 49), re-enacted by the act of July 9, 2013 (P. L. 369, No. 55) and amended by Act 92. Among other things, Act 92 changed the name of the Public Welfare Code to the Human Services Code.

<sup>2</sup> Under the law, the following hospitals are exempt from the assessment: (1) Federal veterans' affairs hospitals; (2) hospitals that provide care, including inpatient hospital services, to all patients free of charge; (3) private psychiatric hospitals; (4) State-owned psychiatric hospitals; (5) critical access hospitals; (6) long-term acute care hospitals; and (7) added by Act 92, free-standing acute care hospitals organized primarily for the treatment of and research on cancer in which at least 30% of the inpatient admissions had cancer as the principal diagnosis based on Pennsylvania Health Care Cost Containment Council calendar year 2014 inpatient discharge data. 62 P. S. § 801-G.

State FY 2015-2016 and continuing through FY 2017-2018. The Department estimates that by adjusting the assessment rate the annual aggregate assessment fees for the nonexempt hospitals will total \$762,943 million. Subject to conditions specified in 62 P. S. § 813-G, the Department intends to use the revenue derived from this assessment, together with the related Federal matching funds, to make medical assistance payment to hospitals in accordance with 62 P. S. § 443.1(1.1) and as otherwise specified in the Commonwealth's approved Title XIX State Plan, make adjusted capitation payment to medical assistance managed care organizations for additional payments for inpatient hospital services in accordance with 62 P. S. § 443.1(1.4), and for any other purpose approved by the Secretary for inpatient hospital, outpatient hospital and hospital-related services.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-994. (1) General Fund; (2) Implementing Year 2015-16 is -\$762,943,000; (3) 1st Succeeding Year 2016-17 through 2nd Succeeding Year 2017-18 are -\$791,109,000; 3rd Succeeding Year 2018-19 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-386. Filed for public inspection March 4, 2016, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 1740—City of Pittsburgh, 26th Ward, Allegheny County. The parcel contains approximately 8,160 ± square feet of unimproved land located along Chapin Street near SR 0279. The estimated fair market value of the parcel is \$2,200.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, PE, District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-387. Filed for public inspection March 4, 2016, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
106-12	Environmental Hearing Board Practice and Procedure 45 Pa.B. 7166 (December 19, 2015)	1/19/16	2/18/16

#### Environmental Hearing Board Regulation #106-12 (IRRC #3126)

##### Practice and Procedure

February 18, 2016

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Hearing Board (Board) to respond to all comments received from us or any other source.

#### 1. Section 1021.21. Representation.—Implementation procedures; Clarity.

The Board is proposing to add a comment to the end of this existing section regarding the Payment of Interest on

Lawyers Trust Fund Account. How will the Board implement this provision? In order for this provision to be binding and enforceable, it must be part of the regulation, not a comment.

#### 2. Section 1021.32. Filing.—Clarity.

Subsection (c)(3) includes a reference to the Board's electronic filing website. Where can parties find this electronic filing site? This information should be included in the final-form regulation.

#### 3. Section 1021.51. Commencement, form and content.—Need; Clarity.

The changes being proposed under Subsection (c) are not explained in the Preamble to the rulemaking. Conversely, the Preamble states that changes are being made to Subsection (f), but the Annex does not show any changes to this subsection. In order for this Commission

to determine if the rulemaking is in the public interest, we ask the Board to provide an explanation of why the changes to Subsection (c) are needed. If the Board does not intend to amend Subsection (f), we suggest that the Preamble be amended to reflect that fact.

**4. Section 1021.101. Prehearing procedure.—Need.**

Similar to our concern above, the changes being proposed under this section are not explained in the Preamble to the rulemaking. In order for this Commission to determine if the rulemaking is in the public interest, we ask the Board to provide an explanation of why the changes to this section are needed.

**5. Section 1021.153. Amendment of interlocutory orders.—Clarity.**

To improve the clarity of Subsection (d), we recommend that the opening phrase be changed from, “Unless the Board acts” to “If the Board does not act.”

**6. Section 1021.201. Composition of certified record on appeal to Commonwealth Court.—Possible conflict or duplication of statutes or existing regulations.**

The Preamble states that language pertaining to a 20-day time frame for filing a petition is being deleted from this section because the rules of Commonwealth Court provide for a 40-day time frame. The Board cites 210 Pa. Code as the basis for this deletion. In the Preamble to the final-form rulemaking, we ask the Board to provide a more specific citation to the rules of the Commonwealth Court as it relates to this time frame.

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 16-388. Filed for public inspection March 4, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Metropolitan Life Insurance Company (META-130430816); Rate Increase Filing for Several Individual LTC Forms**

Metropolitan Life Insurance Company is requesting approval to increase the premium 59.6% on 3,308 policyholders from the following different policy forms: LTC-IDEAL-PA, LTC-FAC-PA, LTC-VAL-PA, LTC-PREM-PA, LTC-IDEAL-PA-ML, LTC-FAC-PA-ML, LTC-VAL-PA-ML and LTC-PREM-PA-ML.

Unless formal administrative action is taken prior to May 19, 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](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over “Consumers” in the blue bar at the top of the webpage then select “Product Notices” from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA

17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-389. Filed for public inspection March 4, 2016, 9:00 a.m.]

**Metropolitan Life Insurance Company (META-130430819); Rate Increase Filing for Several Individual LTC Forms**

Metropolitan Life Insurance Company is requesting approval to increase the premium 56.66% on 2,289 policyholders from the following different policy forms: LTC2-IDEAL-PA, LTC2-FAC-PA, LTC2-VAL-PA, LTC2-PREM-PA, LTC2-IDEAL-ML-PA, LTC2-FAC-ML-PA, LTC2-VAL-ML-PA and LTC2-PREM-ML-PA.

Unless formal administrative action is taken prior to May 19, 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](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over “Consumers” in the blue bar at the top of the webpage then select “Product Notices” from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-390. Filed for public inspection March 4, 2016, 9:00 a.m.]

**Metropolitan Life Insurance Company (META-130431037); Rate Increase Filing for Several Individual LTC Forms**

Metropolitan Life Insurance Company is requesting approval to increase the premium 42.65% on 976 policyholders from the following different policy forms: 1LTC-97 and 2LTC-97.

Unless formal administrative action is taken prior to May 19, 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](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over “Consumers” in the blue bar at the top of the webpage then select “Product Notices” from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA

ary, 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. 16-391. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Unum Life Insurance Company of America (UNUM-130441640); Rate Increase Filing for Several Individual LTC Forms

Unum Life Insurance Company of America is requesting approval to increase the premium an aggregate 81% on 4,829 policyholders of forms LTC94FQ, LTC99, LTC99Q, LTC5192, LTC5392, LTC5592, NH5092, NH5192, NH5292, NH5392, NH5492, NH5592, NH94 and NH94Q. Only policies with uncapped 5% inflation riders will be affected.

Unless formal administrative action is taken prior to May 19, 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. 16-392. Filed for public inspection March 4, 2016, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Review of Issues Relating to Commission Certification of Distributed Antennae System Providers in Pennsylvania

Public Meeting held  
January 28, 2016

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Pamela A. Witmer; John F. Coleman, Jr.; Robert F. Powelson

*Review of Issues Relating to Commission Certification of Distributed Antennae System Providers in Pennsylvania;*  
Doc. No. M-2016-2517831

### Order

*By the Commission:*

In reviewing the applications and relevant certification requests for competitive telecommunications carriers that seek to offer their services in Pennsylvania, certain questions have arisen, about the operations of distributed antennae systems (DAS), the relevant regulatory oversight of the Commission under applicable Pennsylvania and federal law, and other attendant issues. Accordingly, the Commission is initiating a formal proceeding in order to examine the relevant issues in accordance with this Order and Appendix A.

#### *Background*

The Commission regulates the entry of telecommunications carriers offering public utility service in Pennsylvania through the adjudication of applications for a certificate of public convenience (CPC). These applications are filed pursuant to Section 1101 of the Public Utility Code (Code).<sup>1</sup> In fact, a telecommunications carrier that is a public utility as defined by Pennsylvania law cannot operate lawfully in Pennsylvania without a CPC from the Commission.

Additionally, the Commission has implemented and enforces the mandates of the federal Telecommunications Act of 1996 (TA-96). The relevant certification process was established so as to not present any barrier to entry and to not "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." 47 U.S.C. § 253(a) (emphasis added). This process has been refined through subsequent case adjudications, court appeals, and other proceedings including various mergers.<sup>2</sup>

To date, the Commission has issued CPCs to several telecommunications carriers that provide DAS service in Pennsylvania. DAS carriers gather, transport, and deliver wireless traffic<sup>3</sup> through a distributed antenna service network in combination with other network facilities and equipment. DAS carriers often provide wholesale radio frequency and landline transport and backhaul services to commercial mobile radio service (CMRS)<sup>4</sup> providers that offer wireless services to retail end-users. Essentially, DAS carriers collect traffic from the CMRS provider's end-user customers and deliver it to the CMRS provider's

<sup>1</sup> 66 Pa.C.S. § 1101.

<sup>2</sup> See generally In re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799 (Order entered June 3, 1996), 1996 WL 482990; (Order on Reconsideration entered September 9, 1996), 26 Pa.B. 4588 (1996), 1996 WL 482990 (collectively Implementation Orders); Application of Intrado Communications, Inc. for Approval to Offer, Render, Furnish or Supply Telecommunications Services as a Competitive Local Exchange Carrier to the Public in the Service Territories of Verizon Pennsylvania Inc.; Verizon North Inc.; The United Telephone Company of Pennsylvania d/b/a Embarq Pennsylvania, Docket Nos. A-2008-2027726, A-2008-2027733, A-2008-2027713 (Order entered August 1, 2008) (CLEC supplying alternative 911/E911 connectivity services is entitled to rights and responsibilities of Sec. 251 and 252 of TA-96, 47 U.S.C. §§ 251 and 252); Application of Comcast Business Communications, LLC d/b/a Comcast Long Distance for Expanded Authority to Offer, Render, Furnish or Supply Telecommunications Services as a Competitive Local Exchange Carrier to the public in the Commonwealth of Pennsylvania, et al., Docket Nos. A-2008-2029089 et al. (Order entered September 29, 2008); Final Order Regarding the Commission's Plan to Implement A One-Year Timeframe for Inactive Telecommunications Carriers To Provide Service On An Annual Basis Within the Commonwealth of Pennsylvania, Docket Nos. M-2011-2273119 and M-00960799 (Order entered July 19, 2012); Proposed Modifications to the Application Form for Approval of Authority to Offer, Render, Furnish, or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania, Docket No. M-00960799 (Final Order entered May 22, 2014); Application of Momentum Telecom, Inc. for approval of the Abandonment or Discontinuance of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania, Docket No. A-2014-2450071 (Order entered May 20, 2015).

<sup>3</sup> The traffic typically consists of commingled transmissions of voice, data, and video traffic, including Internet traffic.

<sup>4</sup> CMRS is a defined term in the federal Communications Act but not in the Pennsylvania Public Utility Code (Code). However, we view CMRS as synonymous with "mobile domestic cellular radio telecommunications service," which is the term used in the Code to describe wireless service.

network. DAS providers in Pennsylvania typically have applied for and been certificated as Competitive Access Providers (CAPs).<sup>5</sup>

More recently, the Commission approved the application of SQF, LLC (SQF) to operate as a CAP in Pennsylvania.<sup>6</sup> SQF is a DAS provider and was granted authority to provide both interstate and intrastate wholesale services in Pennsylvania.

In supporting the Commission's decision to certificate SQF in Pennsylvania, the written statement of Commissioner John F. Coleman, Jr. noted that SQF's application was unopposed and noted that by granting the application, the Commission was treating SQF like the other DAS providers that have come before the Commission requesting a CPC. Commissioner Coleman's statement in SQF also noted that there is a legitimate question as to whether the Commission can certificate DAS providers. Specifically, Commissioner Coleman questioned whether a DAS provider is a "public utility" as defined by Pennsylvania law that can be certificated or whether a DAS provider is expressly excluded from the definition of "public utility" and, thus, cannot be certificated under state law. This statement also questioned whether the Commission is required under federal law to certificate a DAS provider, including whether denying a CPC to an otherwise fit DAS provider prohibits or has the effect of prohibiting DAS service in Pennsylvania in violation of federal law.<sup>7</sup>

Furthermore, the DAS applications for authority that the Commission previously granted were all uncontested. This means that the legal and factual issues surrounding whether to certificate DAS providers have yet to be fully and openly vetted in an on-the-record proceeding before the Commission.

#### Discussion

For the reasons expressed above, the Commission is initiating a formal proceeding to examine the issues surrounding Commission certification of DAS providers in Pennsylvania. The issues to be examined include, among other things: (1) whether DAS providers are public utilities under Pennsylvania law that can be certificated;<sup>8</sup> (2) whether the Commission should or is required to certificate these carriers in furtherance of federal law; (3) whether DAS service is an interstate service, intrastate service, or both; and (4) whether a CPC is needed to confer property rights to DAS providers to site the facilities/equipment used to provide DAS service, including access to rights-of-way and eminent domain. Our examination also includes other aspects of our regulatory oversight for DAS providers, such as tariffs and com-

<sup>5</sup> In the Commission's application form for a CPC, CAP service is referred to as a "dedicated point-to-point or multipoint service; voice or data." Besides CAPs and Incumbent Local Exchange Carriers, the Commission also certifies Competitive Local Exchange Carriers (both resellers and facilities-based carriers) and interexchange carriers (both resellers and facilities-based carriers).

<sup>6</sup> Application of SQF, LLC for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania, Docket No. A-2015-2490501 (Order entered November 19, 2015) (<http://www.puc.state.pa.us/pedocs/1395676.docx>). See also the Statement of Vice Chairman John F. Coleman, Jr. (<http://www.puc.state.pa.us/pedocs/1392246.pdf>) and the Dissenting Statement of Commissioner Robert F. Powelson (<http://www.puc.state.pa.us/pedocs/1392235.pdf>).

<sup>7</sup> See 47 U.S.C. § 253(a).

<sup>8</sup> The Commission has held that the provision of wholesale services can fall within the definition of public utility services, which is evident with the existence of numerous certificated utilities currently offering wholesale services in Pennsylvania. See generally Application of Core Communications, Inc. for Authority to amend its existing Certificate of Public Convenience and Necessity and to expand Core's Pennsylvania operations to include the provision of competitive residential and business local exchange telecommunications services throughout the Commonwealth of Pennsylvania, Docket Nos. A-310922F0002AmA & AmB (Order entered December 4, 2006), *aff'd*, *Rural Telephone Co. Coalition v. Pa. PUC*, 941 A.2d 751 (Pa. Cmwlth. 2008). Thus, a retail service component is not a requirement to be a public utility in Pennsylvania.

plaints, and any other considerations that an interested party believes should be examined.

Therefore, we are opening a proceeding and issuing the information requests in Appendix A for comments and reply comments. The Law Bureau, with assistance from the Bureau of Technical Utility Services, shall review the comments and reply comments, and all the information provided therein, and shall present an order to the Commission for consideration. The order shall summarize the information and present any recommendations for Commission action, subject to and in compliance with due process.<sup>9</sup> This process helps ensure that no individual DAS provider is singled out and that all DAS providers are treated in a competitively-neutral manner regarding their certification status. Lastly, commenters are welcome to provide any additional input on issues not otherwise specifically presented in Appendix A that a commenter believes is relevant to the Commission's examination here, *Therefore*,

#### *It Is Ordered That:*

1. A formal proceeding to examine the issues surrounding certification of DAS providers in Pennsylvania is initiated.
2. The Order, including Appendix A to this Motion, shall be published in the *Pennsylvania Bulletin*.
3. Comments shall be due within forty-five (45) days following publication in the *Pennsylvania Bulletin*, with reply comments due twenty-five (25) days after comments are due.
4. The Law Bureau, with assistance from the Bureau of Technical Utility Services, shall review the comments, reply comments and all the information provided therein, and shall present an order to the Commission for consideration.

ROSEMARY CHIAVETTA,  
*Secretary*

#### APPENDIX A

Interested parties are asked to respond to the following questions. Comments and replies should be written in plain English. Particularly with technical issues, explanations should be sufficiently detailed to adequately explain the relevant concepts but should be written in a manner that allows individuals with nontechnical backgrounds to comprehend. Comments and replies should also include proper citations to the relevant legal authority, where appropriate. Commenters should reference their responses so as to correspond with the specific questions posed. However, a party is free to address any additional matters it believes are relevant to the Commission's examination here.

1. What is Distributed Antenna System (DAS) service?
  - a. Explain what DAS service is, including the following: (i) the network components used to provide DAS service; (ii) the demarcation point between a DAS provider's network and the provider's network that it serves, as determined in legal agreements or otherwise; and (iii) how traffic is collected, transported, and delivered over a DAS network, including any protocol conversions that occur along the transmission path of the traffic.
2. Whether a DAS provider is a "public utility" as defined by Pennsylvania law that can be certificated by the Commission.

<sup>9</sup> We note that any potential fines, penalties, or other remedial action against DAS providers that currently are certificated in Pennsylvania is not within the scope of this proceeding.

a. Does a DAS provider meet the definition of “public utility” under Section 102(1)(vi) of the Public Utility Code (Code)<sup>10</sup> or is a DAS provider expressly excluded from the definition of “public utility” under Section 102(2)(iv) of the Code?

b. Is granting public utility status to DAS providers consistent with Commission precedent, including Commission certification of carriers that provide wholesale intrastate telecommunications service in Pennsylvania to retail Internet Service Providers<sup>11</sup> and retail Voice over Internet Protocol Providers?<sup>12</sup>

3. Whether the operations of a DAS provider can be certificated in Pennsylvania.

a. Is DAS service in Pennsylvania interstate service, intrastate service or both?

b. What is the legal and/or factual basis, if any, for the Commission to certificate a DAS provider in Pennsylvania that is engaged in the provision of interstate services only?

c. In reference to 3.b., please address the statutory definition of a “public utility” under Section 102(1) of the Code (“Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for: . . .”) in conjunction with Sections 102(1)(vi), 102(2)(iv), and 3012 (“[t]elecommunications service”) of the Code and whether these sources provide a basis for Commission certification.

d. Is the Commission preempted from certificating a DAS provider engaged in the provision of interstate service only under Section 104 of the Code and applicable federal law, including Section 152(a) of the Communications Act of 1934<sup>13</sup> and related case law?

4. Whether the Commission is required by federal law to certificate a DAS provider seeking a Certificate of Public Convenience (CPC) in Pennsylvania.

a. Does denying a CPC to a DAS provider prohibit or have the effect of prohibiting DAS service in Pennsylvania in violation of Section 253(a) of the Telecommunications Act of 1996 (TA-96)?

b. Does denying a CPC to a DAS provider violate Section 253(b) of TA-96, which preserves state authority to impose requirements, on a competitively-neutral basis, related to intrastate telecommunications services?

c. Does denying a CPC to a DAS provider violate any other federal statutory provision, any decision of the Federal Communications Commission, and/or any federal court decision?

5. Separation of DAS provider operations.

a. If the antenna equipment of a DAS provider used to collect wireless traffic is owned and/or operated by a separate legal entity (e.g., a subsidiary or affiliate) than the owner and/or operator of the wireline facilities/equipment used to perform the transport function, how, if at all, would this impact whether the owner and operator of the wireline transport function is a “public utility”

under Pennsylvania law? Would such an arrangement facilitate the Commission’s certification process for such providers?

b. What are the potential advantages and disadvantages with such an approach?

6. Whether public utility status is needed for a DAS provider to site its facilities/equipment used to provide service in Pennsylvania.

a. Explain how, if at all, the following rights under federal and/or state law are impacted if a DAS provider is not a public utility under Pennsylvania law: (i) the right of a DAS provider to access public rights-of-way to install its own poles/structures in Pennsylvania, to attach its own facilities/equipment to poles/structures owned by other entities in Pennsylvania, or to access their conduits; (ii) the right of a DAS provider to attach its own facilities/equipment to poles/structures in Pennsylvania owned by other, non-governmental entities, including public utilities, and/or access their conduits; and (iii) the right of a DAS provider to attach facilities/equipment to state or local government-owned poles/structures in Pennsylvania.

b. When DAS providers attach facilities/equipment to poles/structures or access conduits owned by non-governmental entities in Pennsylvania, including public utilities, is it the practice of the pole/structure owners to require the DAS provider to obtain a CPC from the Commission prior to allowing the attachment? If so, what is the legal basis for this practice?

c. Explain what impact, if any, conferring public utility status to DAS providers has on the property rights of state and/or local governments and/or private property owners in Pennsylvania.

7. What is the business value of a CPC to a DAS provider?

a. Is it the practice of a customer or potential customer in Pennsylvania to require a DAS provider to obtain a CPC from the Commission prior to entering into a business relationship with the DAS provider? If so, what is the legal basis for this practice?

b. Even if not required by customers or potential customers, is having a CPC from the Commission something that wholesale or retail customers or potential customers in Pennsylvania prefer prior to entering into a business relationship with a DAS provider? If so, why?

c. How do other state commissions deal with the applications and certifications of DAS providers?

8. DAS providers and wholesale interconnection/collocation.

a. Explain whether DAS providers interconnect with the Public Switched Telephone Network (PSTN).

b. To the extent DAS providers interconnect with the PSTN, explain whether they enter into wholesale interconnection and/or collocation agreements with Incumbent Local Exchange Carriers (ILECs) pursuant to Section 252 of TA-96<sup>14</sup> or obtain interconnection through commercial agreements with ILECs that are not approved by the Commission.

c. To the extent DAS providers interconnect with the PSTN, explain whether their wholesale interconnection and/or collocation agreements with ILECs utilize or potentially can utilize unbundled network elements or UNEs.

<sup>10</sup> 66 Pa.C.S. §§ 101, et seq.

<sup>11</sup> See Application of Core Communications, Inc. for Authority to amend its existing Certificate of Public Convenience and Necessity and to expand Core’s Pennsylvania operations to include the provision of competitive residential and business local exchange telecommunications services throughout the Commonwealth of Pennsylvania, Docket Nos. A-310922F0002AmA & AmB (Order entered December 4, 2006), aff’d, *Rural Telephone Co. Coalition v. Pa. PUC*, 941 A.2d 751 (Pa. Cmwlth. 2008).

<sup>12</sup> See Application of Sprint Communications Company, L.P. for Approval of the Right to Offer, Render, Furnish or Supply Telecommunications services as a Competitive Local Exchange Carrier to the Public in the Service Territories of Alltel Pennsylvania, Inc., Commonwealth Telephone Company and Palmerton Telephone Company, Docket Nos. A-310183F0002AMA-AMC (Order entered December 1, 2006).

<sup>13</sup> 47 U.S.C. § 152(a).

<sup>14</sup> 47 U.S.C. §§ 201, et seq.

d. To the extent a DAS provider seeks to enter into a wholesale interconnection and/or collocation agreement with an ILEC that is subject to Commission approval, explain whether the failure to obtain a CPC from the Commission impedes or otherwise affects the commencement of negotiations with the ILEC for wholesale interconnection/collocation.

e. To the extent a DAS provider seeks to enter into a wholesale interconnection and/or collocation agreement with an ILEC that is subject to Commission approval, explain whether failing to obtain a CPC from the Commission impedes or otherwise affects the ability of the provider to timely and effectively obtain wholesale interconnection/collocation and hence, amounts to a barrier to entry under Section 253(a) of TA-96.

9. DAS providers and E911/911 Service.

a. Explain whether DAS providers transport or otherwise handle wireless 911/E911 call and data traffic<sup>15</sup> where such traffic eventually needs to timely and reliably reach the appropriate public safety answering point or PSAP.

10. Assuming DAS providers are public utilities under Pennsylvania law, what services and rate elements should be included in a DAS provider's intrastate tariff with the Commission?

11. Assuming DAS providers are public utilities under Pennsylvania law, does the Commission have jurisdiction under Section 1501 of the Code or other applicable law to adjudicate informal and/or formal complaints filed at the Commission against DAS providers, including complaints involving the siting of DAS facilities/equipment?

12. Provide non-proprietary physical network diagram(s) of typical DAS provider network(s). Such diagram(s) should include appropriate legends, explain any technical terminology abbreviations, depict traffic flows, and depict interconnection and/or collocation arrangements with other telecommunications carriers or communications providers.

[Pa.B. Doc. No. 16-393. Filed for public inspection March 4, 2016, 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 March 21, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

<sup>15</sup> Potentially handled by next generation 911 (NG911) systems and network configurations.

### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2016-2524649 (Amended). Reading City Cab, LLC** (2304 Walnut Street, Harrisburg, PA 17104) for the right, to transport by motor vehicle, persons, upon call or demand, from points in Berks and Lancaster Counties, to points in Pennsylvania, and return. *Attorney:* John W. Sweet, Esquire, 620 South 13 Street, Harrisburg, PA 17104.

**A-2016-2527027. Med Stat Ambulance, LP** (465 East Chestnut Street, Hazleton, Luzerne County, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service to and from medical appointments, from points in the Counties of Luzerne, Schuylkill and Carbon, to points in Pennsylvania, and return. *Attorney:* Barbara A. Darkes, McNeese Wallace and Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

**A-2016-2529670. Keith Pack** (13 Pleasant Drive, Lancaster, Lancaster County, PA 17602) for the right to transport, as a common carrier, by motor vehicle, persons 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-2016-2529908. Cumberland Valley Hose Co. #2** (62 West King Street, Shippensburg, Cumberland County, PA 17257) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, in wheelchair and stretcher vans, from points in the Counties of Cumberland and Franklin, to points in Pennsylvania, and return.

**A-2016-2530476. Narvon Transport, LLC** (6096 Wertztown Road, Narvon, PA 17555) for the right, to transport by motor vehicle, persons, upon call or demand, between points in Chester and Lancaster Counties. *Attorney:* Smoker Gard & Associates, LLP, 912 West Main Street, New Holland, PA 17557.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-394. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due March 21, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Family Connection Transportation Services Inc.;**  
**Docket No. C-2016-2522010**

#### 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 Family Connection Transportation Services, Inc., (respondent) is under suspension effective December 03, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1213 Vine Street, Suite 114, Philadelphia, PA 19107.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 20, 1998, at A-00112997.

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-00112997 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: 1/12/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Edwin E. Gomez; Docket No. C-2016-2522030**

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 Edwin E. Gomez, (respondent) is under suspension effective December 08, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 518 S Ott St., Allentown, PA 18104.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 18, 2014, at A-8916442.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916442 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: 1/12/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 16-395. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Transfer of Customers and Assets

**A-2016-2530601 and A-2016-2530602. Birch Communications, Inc. and Primus Telecommunications, Inc.** Joint application of Birch Communications, Inc. and Primus Telecommunications, Inc. for approval to transfer customers and assets from Primus Telecommunications, Inc. to Birch Communications, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 21, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania

Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Birch Communications, Inc.; Primus Telecommunications, Inc.

*Through and By Counsel:* Susan E. Bruce, Esquire, Adeolu A. Bakare, Esquire, McNeese Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 16-396. Filed for public inspection March 4, 2016, 9:00 a.m.]

### Transmission Line; Prehearing Conference

**A-2016-2529650. Pennsylvania Electric Company.** Application of Pennsylvania Electric Company for approval to locate and construct the East Towanda—South Troy 230-115 kV transmission line rebuild project in Burlington, Granville, Towanda, Troy, West Burlington and Wysox Townships, Bradford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 25, 2016. 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, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Pennsylvania Electric Company

*Through and By Counsel:* John L. Munsch, Pennsylvania Electric Company, 800 Cabin Hill Drive, Greensburg, PA 15601

### Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Monday, May 2, 2016

*Time:* 10 a.m.

*Location:* Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Elizabeth H. Barnes  
Administrative Law Judge Steven K. Haas  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the Scheduling Office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-397. Filed for public inspection March 4, 2016, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 16-014.P, Repairs to Pier 74 Annex Building, until 2 p.m. on Thursday, April 7, 2016. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 16-398. Filed for public inspection March 4, 2016, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.  
Qwan McIntyre; Doc. No. 2107-42-2015**

On November 24, 2015, Qwan McIntyre, license no. BL052352 of Steelton, Dauphin County, was suspended under the Order of the Court of Common Pleas of Dauphin County dated November 9, 2015, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH T. FERRUZZA,  
*Chairperson*

[Pa.B. Doc. No. 16-399. Filed for public inspection March 4, 2016, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Angie Thompson, LPN; File No. 14-51-13300;  
Doc. No. 2042-51-15**

On November 16, 2015, Angie Thompson, LPN, license no. PN278829, last known of New Holland, Lancaster County, had her practical nurse license automatically suspended for 1 year, based upon her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-400. Filed for public inspection March 4, 2016, 9:00 a.m.]

## STATE BOARD OF PHARMACY

**Bureau of Professional and Occupational Affairs v.  
Jude B. Pembleton, RPh; Doc. No. 1974-54-14;  
File No. 13-54-03804**

On December 18, 2015, the State Board of Pharmacy issued a final order indefinitely suspending the license of Jude B. Pembleton, RPh, Pennsylvania license no. RP441824, last known of Englewood, CO, based upon findings she procured or attempted to procure for herself a drug by fraud, deceit, misrepresentation or subterfuge by stealing drugs from the pharmacy where she was employed.

Individuals may obtain a copy of the order of suspension by writing to Jason E. McMurphy, Board Counsel, State Board of Pharmacy, P. O. Box 69523, Harrisburg, PA 17106-9523.

THERESA M. TALBOTT, RPh,  
*Chairperson*

[Pa.B. Doc. No. 16-401. Filed for public inspection March 4, 2016, 9:00 a.m.]

# STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

## Documentary Preparation Fees

In accordance with section 27.1 of the Board of Vehicles Act (act) (63 P. S. § 818.27a), the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) provides notice that a dealer may not charge the purchaser of a vehicle a documentary preparation fee under section 27.1(c) and (d) of the act that exceeds the limits set forth as follows. Persons may review this table at the Board's web site at [www.dos.pa.gov/vehicle](http://www.dos.pa.gov/vehicle).

Type	Citation	Calendar Year 2014	Calendar Year 2015	Calendar Year 2016
Electronic	63 P. S. § 818.27a(c)(1)	\$133	\$134	\$135
Nonelectronic	63 P. S. § 818.27a(c)(2)	\$112	\$113	\$114

DANIEL G. MURPHY, III,  
*Chairperson*

[Pa.B. Doc. No. 16-402. Filed for public inspection March 4, 2016, 9:00 a.m.]

## STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SUrVEYORS AND GEOLOGISTS

**Bureau of Professional and Occupational Affairs v.  
Robert Alan Walz, PE; Doc. No. 2207-47-15**

On December 10, 2015, Robert Alan Walz, PE, of Utica, MI, license no. PE057126E, was suspended for failure to pay a previously imposed civil penalty until the civil penalty is paid in full.

Individuals may obtain a copy of the adjudication by writing to Juan A. Ruiz, Board Counsel, State Registration Board for Professional Engineers, Land Surveyors and Geologists, P. O. Box 69523, Harrisburg, PA 17106-9523.

This adjudication and order represents the final State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

MICHAEL F. BRINKASH, PLS,  
*President*

[Pa.B. Doc. No. 16-403. Filed for public inspection March 4, 2016, 9:00 a.m.]





