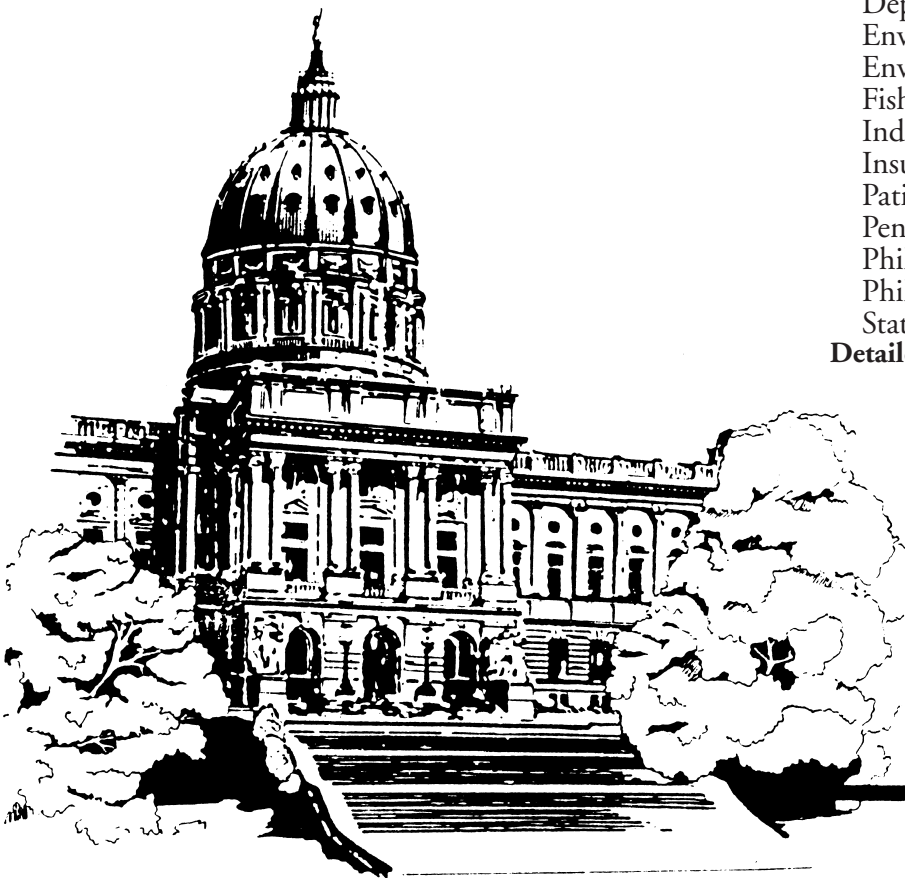


# PENNSYLVANIA BULLETIN

Volume 46  
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## Agencies in this issue

The Governor  
The Courts  
Department of Banking and Securities  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Human Services  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Patient Safety Authority  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
Philadelphia Regional Port Authority  
State Conservation Commission  
**Detailed list of contents appears inside.**



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

**No. 505, December 2016**

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# CONTENTS

## THE GOVERNOR

### PROCLAMATIONS

Proclamation of disaster emergency . . . . . 7517

## THE COURTS

### DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of suspension . . . . . 7535

### JUDICIAL SYSTEM GENERAL PROVISIONS

Proposed amendments to the Pennsylvania Rules of Disciplinary Enforcement relating to procedure, discipline on consent, and annual registration of attorneys . . . . . 7520

Proposed amendments to the Pennsylvania Rules of Professional Conduct relating to misconduct . . . . . 7519

### JUVENILE RULES

Order amending Rules 380 and 1380 of the Rules of Juvenile Court Procedure; No. 716 Supreme Court rules doc. . . . . 7526

### LOCAL COURT RULES

#### Adams County

Fee schedule; prothonotary; No. 2016-MS-132 . . . . . 7528

#### Bucks County

Mortgage foreclosure division program; administrative order No. 55 . . . . . 7530

#### Cumberland County

Rules of the court of common pleas; local rules 1996-1335 . . . . . 7530

#### Dauphin County

Promulgation of local rules: No. 1793 S 1989 . . . . . 7531

#### Northumberland County

Local rule—NCV-227.3; No. AD-2016-6 . . . . . 7533

#### York County

Amendment of local rules of judicial administration; CP-67-AD-33-2016; 2016-MI-000558 . . . . . 7533

### RULES OF CIVIL PROCEDURE

Order amending Rule 227.3 of the Rules of Civil Procedure; No. 653 civil procedural rules doc. . . . . 7522

Proposed amendment of Pa.R.C.P. No. 1910.16-6 . . . . . 7522

Proposed amendment of Pa.R.C.P. Nos. 1915.1 and 1915.4-3 . . . . . 7524

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications . . . . . 7542

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 7543

Quehanna Wild Area Nuclear Site in the Moshannon State Forest, Clearfield County; notice of proposed settlement . . . . . 7597

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Real estate for sale (2 documents) . . . . . 7598

### DEPARTMENT OF HEALTH

#### Notices

Amendments to charges for medical records . . . . . 7598

Decisions on requests for exception to health care facility regulations; correction . . . . . 7599

Infant Hearing Screening Advisory Committee meeting . . . . . 7600

Long-term care nursing facilities; requests for exception . . . . . 7600

### DEPARTMENT OF HUMAN SERVICES

#### Notices

Availability of the renewals of the Office of Developmental Programs' consolidated and person/family directed support waivers . . . . . 7600

### DEPARTMENT OF TRANSPORTATION

#### Notices

Application for lease of right-of-way . . . . . 7602

State Transportation Commission meeting . . . . . 7602

Transportation Advisory Committee meeting . . . . . 7602

### ENVIRONMENTAL HEARING BOARD

#### Notices

RES Coal, LLC v. DEP; EHB doc. No. 2016-146-L . . . . . 7602

### ENVIRONMENTAL QUALITY BOARD

#### Notices

Meeting cancellation . . . . . 7602

### FISH AND BOAT COMMISSION

#### Rules and Regulations

Boating; special regulations counties . . . . . 7536

#### Proposed Rulemaking

Fishing; special fishing regulations . . . . . 7540

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Action taken by the Commission . . . . . 7603

### INSURANCE DEPARTMENT

#### Notices

Pennsylvania Compensation Rating Bureau; workers' compensation loss cost filing . . . . . 7604

Private passenger motor vehicle liability insurance policies; limited and full tort data reporting; notice 2016-16 . . . . . 7604

### PATIENT SAFETY AUTHORITY

#### Notices

Public meeting . . . . . 7605

---

Available Online at <http://www.pabulletin.com>

---

7510

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Petroleum products transportation service..... 7605  
Service of notice of motor carrier applications..... 7605  
Transfer of indirect control ..... 7606

**PHILADELPHIA PARKING AUTHORITY**

**Notices**

Notice of rescheduling of sales of wheelchair acces-  
sible taxicab medallions ..... 7606

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids ..... 7606

**STATE CONSERVATION COMMISSION**

**Notices**

Action on odor management plans for concentrated  
animal operations and concentrated animal feed-  
ing operations and volunteers complying with the  
Commonwealth's Facility Odor Management Pro-  
gram..... 7607

# 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.

## 4 Pa. Code (Administration)

### Adopted Rules

1	1529, 1891, 2027, 2029
6	440, 853
7a	2268, 2271
245	5082
247	5082

### Proposed Rules

245	354
247	354

### Statements of Policy

9	22, 219, 1027, 1808, 2065, 2318, 2858, 3072, 3259, 3961, 4185, 4189, 5106, 5588, 6020, 6129, 6325, 6539, 6647, 7177
58	3660

## 7 Pa. Code (Agriculture)

### Proposed Rules

28a	6646
149	3655

## 10 Pa. Code (Banking and Securities)

### Proposed Rules

1	3420
102	3420
202	3420
203	3420
204	3420
205	3420
206	3420
207	3420
208	3420
209	3420
210	3420
211	3420
301	3420
302	3420
303	3420
304	3420
305	3420
401	3420
404	3420
501	3420
504	3420
513	3420
601	3420
602	3420
603	3420
604	3420
605	3420
606	3420
609	3420
610	3420
701	3420
901	3420
1001	3420

## 12 Pa. Code (Commerce, Trade and Local Government)

### Adopted Rules

145	6976, 7269
-----	------------

## Proposed Rules

31	221
81	3069
151	4179

## Statements of Policy

31	2171, 2423
----	------------

## 22 Pa. Code (Education)

### Adopted Rules

12	3815
14	3815
16	3815
18	4955
49	3815
73	7270

## Proposed Rules

11	1806
73	1555

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

78	6431
78a	6431, 6829
87	6780
88	6780
90	6780
109	6005
121	2036
129	2036, 6743, 6758
215	446
250	5655
806	17
901	1417

## Proposed Rules

93	1205, 1324, 2970
109	857
208	1421
210	996
211	996
218	3509
240	3509
252	5088
806	6309
901	2967

## 28 Pa. Code (Health and Safety)

### Adopted Rules

1131	3254
1141	6829
1151	6829

## Proposed Rules

23	1798
----	------

## 31 Pa. Code (Insurance)

### Adopted Rules

84	3645
161	2415

**7514**

**Proposed Rules**

84 ..... 460  
 147 ..... 458

**34 Pa. Code (Labor and Industry)**

**Adopted Rules**

63 ..... 5083  
 401 ..... 2315  
 403 ..... 2315  
 405 ..... 2315

**40 Pa. Code (Liquor)**

**Adopted Rules**

1 ..... 352  
 7 ..... 2553  
 13 ..... 352

**Proposed Rules**

9 ..... 1652  
 11 ..... 1652

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**

16 ..... 6618  
 18 ..... 6618  
 25 ..... 1316  
 36 ..... 447  
 39 ..... 7272  
 40 ..... 6639  
 43b ..... 6643, 7274

**Proposed Rules**

40 ..... 2417  
 42 ..... 886, 888  
 43b ..... 6853  
 45 ..... 6853

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

53 ..... 449, 1791  
 62 ..... 4959  
 75 ..... 7277, 7448  
 1017 ..... 1203

**Proposed Rules**

1 ..... 1016  
 3 ..... 1016  
 5 ..... 1016  
 23 ..... 1016  
 29 ..... 1016  
 57 ..... 654  
 61 ..... 658  
 67 ..... 658

**Statements of Policy**

69 ..... 1902

**55 Pa. Code (Human Services)**

**Adopted Rules**

13 ..... 3177  
 14 ..... 3177  
 20 ..... 3177  
 2380 ..... 3177  
 2390 ..... 3177  
 2600 ..... 3177  
 2800 ..... 3177  
 3800 ..... 3177  
 4200 ..... 3177  
 4210 ..... 3177  
 4215 ..... 3177  
 4220 ..... 3177  
 4230 ..... 3177

4300 ..... 3177  
 4305 ..... 3177  
 4310 ..... 3177  
 6201 ..... 3177  
 6210 ..... 3177  
 6211 ..... 3177  
 6250 ..... 3177  
 6350 ..... 3177  
 6400 ..... 3177  
 6500 ..... 3177  
 6600 ..... 3177

**Proposed Rules**

51 ..... 7061  
 2380 ..... 7061  
 2390 ..... 7061  
 6100 ..... 7061  
 6200 ..... 7061  
 6400 ..... 7061  
 6500 ..... 7061

**Statements of Policy**

1101 ..... 2683  
 1150 ..... 3262

**58 Pa. Code (Recreation)**

**Adopted Rules**

53 ..... 1549  
 65 ..... 1650, 5539, 5731  
 75 ..... 5731  
 93 ..... 7536  
 105 ..... 1549  
 111 ..... 1549, 7536  
 131 ..... 2664  
 133 ..... 5084  
 135 ..... 5084, 5085  
 139 ..... 2665, 2671  
 141 ..... 2674, 2675  
 143 ..... 2676  
 147 ..... 5086  
 465a ..... 5540  
 583 ..... 5540  
 585 ..... 5540  
 587 ..... 5540  
 588 ..... 5540  
 589 ..... 5540  
 590 ..... 5540  
 591 ..... 5540  
 592 ..... 5540  
 593 ..... 5540  
 611a ..... 5540  
 659a ..... 6300  
 668a ..... 5540  
 669a ..... 5540  
 670a ..... 5540  
 671a ..... 5540  
 672a ..... 5540  
 673a ..... 5540  
 674a ..... 5540  
 675a ..... 5540  
 676a ..... 5540  
 681a ..... 7323, 7448

**Proposed Rules**

65 ..... 2557, 5736, 7540  
 93 ..... 2555  
 111 ..... 2555  
 131 ..... 1426, 6868  
 133 ..... 2680, 6869  
 135 ..... 2679, 3258



139 ..... 1427, 1553  
 141 ..... 1423, 1425, 1552  
 143 ..... 1423  
 147 ..... 2678  
 681a ..... 1433

**61 Pa. Code (Revenue)**

**Adopted Rules**  
 701 ..... 3646  
 702 ..... 3646  
 703 ..... 3646

**67 Pa. Code (Transportation)**

**Adopted Rules**  
 105 ..... 6129

**Proposed Rules**

189 ..... 991  
 403 ..... 3957

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**  
 1 ..... 3790  
 6 ..... 6610  
 7 ..... 1781  
 19 ..... 330, 3790  
 40 ..... 5472

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**  
 29 ..... 6290  
 81 ..... 6291, 7164  
 83 ..... 1642, 2163  
 93 ..... 6814, 7250

**Proposed Rules**

81 ..... 2274, 2407, 4820, 7519  
 83 ..... 978, 2407, 7520

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**  
 3 ..... 2033  
 4 ..... 2033  
 5 ..... 2033  
 21 ..... 4951  
 33 ..... 553  
 51 ..... 553  
 105 ..... 2167

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**  
 3 ..... 8  
 5 ..... 3231  
 9 ..... 8  
 17 ..... 3232

**Proposed Rules**

1 ..... 2518  
 3 ..... 2518  
 5 ..... 2518  
 7 ..... 2518  
 9 ..... 2518, 5886  
 13 ..... 2518  
 15 ..... 2518  
 16 ..... 2518  
 17 ..... 2518  
 19 ..... 2518, 5886  
 27 ..... 2518  
 33 ..... 2518

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**  
 83 ..... 2409  
 Article VIII ..... 7436  
 Article IX ..... 7436

**Proposed Rules**

Article IX ..... 3793, 3795

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**  
 200 ..... 332, 2409, 3797, 6610, 7522  
 1000 ..... 1895, 2409, 3797  
 1910 ..... 6817, 6819  
 1915 ..... 1412, 2854, 6819  
 1920 ..... 3233, 6819  
 1930 ..... 6612  
 1950 ..... 7164  
 Part II ..... 3804, 5479

**Proposed Rules**

200 ..... 982  
 1650 ..... 3635  
 1910 ..... 2275, 6106, 7522  
 1915 ..... 3932, 6107, 7524  
 1920 ..... 6113  
 Part II ..... 332, 2306

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**  
 1 ..... 3806  
 4 ..... 1532, 3235, 7439  
 5 ..... 1532, 3414, 5893  
 7 ..... 1532, 7439  
 8 ..... 554  
 10 ..... 1532, 3235

**Proposed Rules**

1 ..... 1643  
 2 ..... 4951  
 5 ..... 1643, 3636, 3935  
 7 ..... 3637

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**  
 1 ..... 2411, 3808, 5533  
 3 ..... 7526  
 11 ..... 2411, 3808  
 13 ..... 7526  
 16 ..... 3415

**Proposed Rules**

1 ..... 555, 3939  
 2 ..... 3940  
 4 ..... 1782  
 5 ..... 3944  
 6 ..... 3944  
 11 ..... 555  
 12 ..... 3940  
 13 ..... 3949  
 15 ..... 3951  
 16 ..... 3951

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**  
 100 ..... 2412  
 200 ..... 3811, 7165  
 300 ..... 2412  
 1200 ..... 7165

**7516**

**Proposed Rules**

500 ..... 984  
1000 ..... 984

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 445, 1541, 2855, 2953, 3416, 4048,  
5069, 5073, 5533, 5894, 6118, 6823, 6824, 7250, 7255

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 1542, 4078

**255 Pa. Code (Local Court Rules)**

Unclassified .. 209, 558, 560, 647, 651, 652, 759, 854, 855,  
856, 987, 988, 989, 1192, 1201, 1311, 1312, 1314, 1412,  
1414, 1415, 1416, 1542, 1787, 1789, 1896, 1897, 1898,  
2034, 2035, 2314, 2413, 2549, 2551, 2660, 2966, 3064,  
3239, 3240, 3243, 3245, 3250, 3417, 3418, 3640, 3641,  
3642, 3643, 3644, 3813, 3954, 3956, 4119, 4120, 4129,  
4135, 4142, 4144, 4147, 4148, 4155, 4159, 4161, 4172,  
4821, 4826, 4829, 4833, 4848, 4953, 5079, 5534, 5535,  
5536, 5726, 5728, 5894, 5895, 5896, 5897, 5999, 6001,  
6003, 6119, 6294, 6295, 6298, 6532, 6533, 6537, 6615,  
6617, 6825, 6826, 6828, 6967, 7167, 7169, 7175, 7176,  
7255, 7260, 7444, 7445, 7446, 7447, 7528, 7530, 7531,  
7533

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

November 16, 2016

*Whereas*, a period of rapid, heavy rain impacted a multi-county region in the Commonwealth of Pennsylvania, resulting in 6—8 inches of rain within a 4-hour time period that caused severe flash flooding; and

*Whereas*, steady rainfall continued in the affected multi-county region through October 21, 2016, and caused severe adverse effects to multiple political subdivisions in the Commonwealth through October 24, 2016; and

*Whereas*, this emergency event prompted affected county and municipal governments to declare local disaster emergencies due to the severe flash flooding; and

*Whereas*, the emergency event was of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

*Now Therefore*, pursuant to the provisions of section § 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. Section § 7101 et seq., I do hereby proclaim the existence of a disaster emergency in Bradford, Centre, Lycoming, and Sullivan Counties; and

*Further*, I authorized and directed that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as was deemed necessary to cope with the magnitude and severity of this emergency event; and

*Further*, I hereby transfer up to \$500,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency, to be augmented as conditions require. The aforementioned funds shall be used for disaster related expenses. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa.C.S. § 516; and

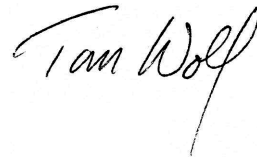
*Further*, I hereby directed the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event and to augment it with personnel from other state agencies and departments. I also authorized the Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that she deems necessary, to ensure that all state highways in the areas that may be affected by the emergency event are cleared of debris and any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary; and

## THE GOVERNOR

*Further*, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this sixteenth day of November two thousand sixteen, the year of the commonwealth the two hundred forty-first.



Governor

[Pa.B. Doc. No. 16-2061. Filed for public inspection December 2, 2016, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 81 ]

#### Proposed Amendments to the Pennsylvania Rules of Professional Conduct Relating to Misconduct

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt amendments to Pennsylvania Rule of Professional Conduct (PA RPC) 8.4 relating to misconduct and amend PA RPC 8.4, as set forth in Annex A.

The proposed change to PA RPC 8.4 creates a new paragraph (g).

The genesis and development of the proposed amendments arose out of the American Bar Association's (ABA) adoption of new Model Rule of Professional Conduct 8.4(g). On August 8, 2016, the ABA House of Delegates approved a resolution by the Standing Committee on Ethics and Professional Responsibility to amend Model Rule 8.4 to bring into the black letter of the ABA Model Rules of Professional Conduct an anti-harassment and antidiscrimination provision.

New Model Rule 8.4(g) specifically provides that it is professional misconduct for a lawyer to engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination, on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. Further, the paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Model Rule 1.16, and does not preclude legitimate advice or advocacy consistent with the Model Rules. The language of new Model Rule 8.4(g) derives from former Comment [3] to the Model Rule, which was adopted by the ABA in 1998. The impetus for new Model Rule 8.4(g) was to move the language of Comment [3] to the black letter of the rule, as comments are instructive and have no authority as rules. The ABA deemed it in the public's interest and the profession's interest to make clear that discrimination, harassment, bias and prejudice do not belong in conduct related to the practice of law.

An analysis of the Rules of Professional Conduct in other jurisdictions demonstrates that twenty-five jurisdictions have adopted antidiscrimination and/or anti-harassment provisions into the black letter of their rules of professional conduct.<sup>1</sup> Thirteen jurisdictions have a comment that addresses this issue.<sup>2</sup> Fourteen jurisdic-

tions, including Pennsylvania, do not address this issue at all.<sup>3</sup>

Historically, Pennsylvania has supported adoption of ABA Model Rule amendments to promote consistency in application and interpretation of the rules from jurisdiction to jurisdiction, except where controlling Pennsylvania precedent or other important policy considerations justify a deviation from the Model Rule language.

It is important to highlight for the entire legal profession that discriminating and harassing conduct is wrong and that lawyers should not engage in it, as it reflects poorly on the legal profession.

Proposed new paragraph (g) makes it misconduct for a lawyer to violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer's professional activities. Further, proposed paragraph (g) provides that if there is an alternative forum available to bring a complaint, no charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted.

The proposed amendment is narrow in scope compared to the ABA Model Rule, because of the requirement of a judicial or administrative finding of discriminatory conduct. It is our opinion, after careful review and consideration, that the breadth of ABA Model Rule 8.4(g) will pose difficulties for already resource-strapped disciplinary authorities. The Model Rule broadly defines "harassment" to include any "derogatory or demeaning verbal conduct" by a lawyer, and the rule subjects to discipline not only a lawyer who knowingly engages in harassment or discrimination, but also a lawyer who negligently utters a derogatory or demeaning comment. A lawyer who did not know that a comment was offensive will be disciplined if the lawyer should have known that it was. Pennsylvania's proposed amendments will establish sufficient guidelines for the regulators charged with enforcement of this provision of RPC 8.4 and will eliminate the potential for Pennsylvania's lawyer disciplinary authority to become the tribunal of first resort for workplace harassment or discrimination claims against lawyers. Requiring a prior adjudication by tribunals and limiting the scope of the proposed rule allows both lawyers and disciplinary authorities to rely on established federal and state laws and precedent to guide their conduct and the proceedings. Other jurisdictions have adopted rules that require a

South Dakota RPC 8.4, cmt. [3]; Tennessee RPC 8.4, cmt. [3]; Utah RPC 8.4, cmt. [3]; Wyoming RPC 8.4, cmt. [3]; West Virginia RPC 8.4, cmt. [3].

<sup>3</sup> The states that do not address this issue in their rules include Alabama, Alaska, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nevada, New Hampshire, Oklahoma, and Virginia.

<sup>1</sup> See California RPC 2-400; Colorado RPC 8.4(g); Florida RPC 4-8.4(d); Idaho RPC 4.4(a); Illinois RPC 8.4(j); Indiana RPC 8.4(g); Iowa RPC 8.4(g); Maryland Lawyer's RPC 8.4(e); Massachusetts RPC 3.4(i); Michigan RPC 6.5; Minnesota RPC 8.4(h); Missouri RPC 4-8.4(g); Nebraska RPC 8.4(d); New Jersey RPC 8.4(g); New Mexico RPC 16-300; New York RPC 8.4(g); North Dakota RPC 8.4(f); Ohio RPC 8.4(g); Oregon RPC 8.4(a)(7); Rhode Island RPC 8.4(d); Texas RPC 5.08; Vermont RPC 8.4(g); Washington RPC 8.4(g); Wisconsin RPC 8.4(i); D.C. RPC 9.1.

<sup>2</sup> See Arizona RPC 8.4, cmt.; Arkansas RPC 8.4, cmt. [3]; Connecticut RPC 8.4, Commentary; Delaware Lawyers' RPC 8.4, cmt. [3]; Idaho RPC 8.4, cmt. [3]; Maine RPC 8.4, cmt. [3]; North Carolina RPC 8.4, cmt. [5]; South Carolina RPC 8.4, cmt. [3];

prior, final determination of harassment or discrimination by a court or administrative agency.<sup>4</sup>

In Pennsylvania, a lawyer can still be disciplined for certain kinds of discriminatory or harassing conduct based on violation of other rules of professional conduct, even if there is no finding by a court or administrative agency. For example, RPC 4.4(a) prohibits a lawyer, in representing a client, from using means that have no substantial purpose other than to embarrass, delay or burden a third person, or use methods of obtaining evidence that violate the legal rights of a person. Under this provision, which is not limited to litigation or to the courtroom, a lawyer may not disregard the rights of a third person.<sup>5</sup> RPC 8.4(d) prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice. The broad language of this proscription allows for application of the rule in a wide variety of contexts.<sup>6</sup>

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before February 3, 2017.

*By the Disciplinary Board of the  
Supreme Court of Pennsylvania*

JULIA FRANKSTON-MORRIS, Esq.,  
*Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### MAINTAINING THE INTEGRITY OF THE PROFESSION

##### Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

\* \* \* \* \*

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

**(g) violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be**

**determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer's professional activities. If there is an alternative forum available to bring a complaint, no charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted.**

#### Comment:

\* \* \* \* \*

[Pa.B. Doc. No. 16-2062. Filed for public inspection December 2, 2016, 9:00 a.m.]

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### [ 204 PA. CODE CH. 83 ]

#### Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Procedure, Discipline on Consent, and Annual Registration of Attorneys

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt amendments to Pennsylvania Rules of Disciplinary Enforcement 208, 215, and 219 relating to procedure, discipline on consent, and annual registration of attorneys, as set forth in Annex A.

Rule 208(g) pertains to costs assessed against respondent-attorneys. Rule 208(g)(1) provides that the Supreme Court has the discretion to direct that the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposition of discipline shall be paid by a respondent-attorney. Currently, all expenses taxed under this paragraph must be paid by the respondent-attorney within thirty days of entry of the order taxing the expenses against the respondent-attorney. The proposed change to Rule 208(g)(1) provides that all expenses taxed under this paragraph pursuant to orders of suspension or disbarment shall be paid by the respondent-attorney within thirty days after notice transmitted to such individual of taxed expenses. In all other cases of discipline imposed by the Supreme Court, which includes public censure, expenses taxed under this paragraph must be paid within thirty days of entry of the Court's order taxing the expenses.

Rule 208(g)(2) pertains to proceedings concluded by informal admonition, private reprimand or public reprimand and provides that the Disciplinary Board has discretion to direct that the necessary expenses incurred in the investigation and prosecution of such proceedings be paid by a respondent-attorney. Currently, all expenses taxed under this paragraph must be paid by the respondent-attorney on or before the date fixed for the appearance of the respondent-attorney for the imposition of discipline. The proposed change provides that the

<sup>4</sup> See Illinois RPC 8.4(j); Minnesota RPC 8.4(h); New York RPC 8.4(g), Washington RPC 8.4(g).

<sup>5</sup> See *Office of Disciplinary Counsel v. John J. Koresko, V*, No. 119 DB 2013 (D. Bd. Rpt. 6/1/2015) (S. Ct. Order 9/4/2015).

<sup>6</sup> See *Office of Disciplinary Counsel v. Edward Charles Malloy, III*, No. 178 DB 2014 (D. Bd. Rpt. 4/26/2016) (S. Ct. Order 6/30/2016); *Office of Disciplinary Counsel v. Robert Philip Tuerk*, No. 51 DB 2014 (D. Bd. Rpt. 7/20/2015) (S. Ct. Order 10/15/2015); *Office of Disciplinary Counsel v. Allen L. Feingold*, 92 DB 2005 (D. Bd. Rpt. 5/4/2006) (S. Ct. Order 8/22/2006).

expenses taxed must be paid within thirty days of entry of the order taxing the expenses against the respondent-attorney.

New paragraph 208(g)(3) provides that a respondent-attorney's failure to pay taxed expenses within thirty days after the date of the entry of the order in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Enforcement Rule 219(1).

Current paragraph 208(g)(3) is renumbered as new paragraph 208(g)(4), with no substantive changes to the provisions therein.

Rule 215(i) pertains to the costs of discipline on consent. Currently, the Disciplinary Board panel has the discretion to direct that the necessary expenses shall be paid by the attorney as a condition to the grant of the joint Petition for Discipline on Consent. The proposed change provides that all expenses taxed under the subdivision must be paid by the attorney in accordance with Rule 208(g).

The proposed change to Rule 219(1) provides that the Disciplinary Board shall transmit by certified mail to every attorney who fails to pay any taxed expenses under Rule 208(g)(3), notice that unless the attorney pays such expenses within thirty days after the date of the notice, such failure to pay will be deemed a request to be administratively suspended. This is a minor change to provide a link to new Rule 208(g)(3).

This packet of proposed changes to the procedures for taxing expenses and the consequences of a respondent-attorney's failure to pay taxed expenses will serve a dual purpose by streamlining the administrative process of assessing costs, thereby providing a cost savings to the Board, and enhancing the enforcement powers of the Board by giving an incentive to respondent-attorneys to pay costs in a timely manner or suffer the administrative suspension of their law licenses.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717) 231-3382, Email address Dboard.comments@pacourts.us on or before January 2, 2017.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JULIA FRANKSTON-MORRIS, Esq.,  
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

\* \* \* \* \*

(g) *Costs.*

(1) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposi-

tion of discipline shall be paid by the respondent-attorney. All expenses taxed under this paragraph pursuant to orders of suspension or disbarment shall be paid by the respondent-attorney within 30 days after notice transmitted to the respondent-attorney of taxed expenses. In all other cases, expenses taxed under this paragraph shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney.

(2) In the event a proceeding is concluded by informal admonition, private reprimand or public reprimand, the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the proceeding shall be paid by the respondent-attorney. All expenses taxed by the Board under this paragraph shall be paid by the respondent-attorney [ on or before the date fixed for the appearance of the respondent-attorney before Disciplinary Counsel for informal admonition or the Board for private or public reprimand ] within 30 days of entry of the order taxing the expenses against the respondent-attorney. The expenses which shall be taxable under this paragraph shall be prescribed by Board rules.

(3) Failure to pay taxed expenses within 30 days after the date of the entry of the order taxing such expenses in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Rule 219(1).

[ (3) ] (4) The expenses under paragraph (1) or (2) may include an administrative fee except that an administrative fee shall not be included where the discipline imposed is an informal admonition. The administrative fee shall be \$250.

\* \* \* \* \*

Rule 215. Discipline on consent.

\* \* \* \* \*

(i) *Costs.*—[ The panel of the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the matter shall be paid by the attorney as a condition to the grant of the Petition. ] All expenses taxed under this subdivision shall be paid by the attorney [ before the imposition of discipline under subdivision (f) or (g) ] in accordance with Rule 208(g).

Rule 219. Annual registration of attorneys.

\* \* \* \* \*

(1) The Board shall transmit by certified mail to every attorney who fails to pay any [ expenses taxed pursuant to Enforcement Rule 208(g) ] taxed expenses under Enforcement Rule 208(g)(3) (relating to costs), addressed to the last known address of the attorney, a notice stating:

\* \* \* \* \*

[Pa.B. Doc. No. 16-2063. Filed for public inspection December 2, 2016, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

### Order Amending Rule 227.3 of the Rules of Civil Procedure; No. 653 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 16th day of November, 2016, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a) in the interest of efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 227.3 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 227.3. Transcript of Testimony.

All post-trial motions shall contain a request designating that portion of the record to be transcribed in order to enable the court to dispose of the motion. Within ten days after the filing of the motion, any other party may file an objection requesting that an additional, lesser or different portion of the record be transcribed. If no portion is indicated, the transcription of the record shall be deemed unnecessary to the disposition of the motion. The trial judge shall promptly decide the objection to the portion of the record to be transcribed.

**Official Note:** [ Pa.R.J.A. 5000.5(a) requires the request to be delivered to (1) the reporter, (2) the clerk of the trial court in which the proceeding took place or in which the reporter is employed, (3) the district court administrator or the administrator's designee, and (4) in the case of an appeal, to the clerk of the appellate court. The request for transcription of the record may also be made in open court. See Pa.R.J.A. 5000.5(b). ]

For rules governing transcript fees and their payment, see Pa.R.J.A. 5000.6, 5000.7, and 5000.11. ]

For rules governing transcript requests, and transcript fees and their payment, see Pa.R.J.A. Nos. 4007, 4008, and 4009.

#### Explanatory Report

On August 12, 2016, the Supreme Court of Pennsylvania adopted amendments to Pa.R.J.A. Nos. 4001—4016 governing court reporting and transcripts. These amendments have precipitated technical amendments to Pa.R.C.P. No. 227.3 governing the transcript of testimony, Pa.R.J.C.P. 380 governing the preservation of testimony after commencement of proceedings in delinquency actions, and Pa.R.J.C.P. 1380 governing the preservation of

testimony after commencement of proceedings in dependency actions to cross-references to the court reporting and transcript rules.

In Pa.R.C.P. No. 227.3, the note currently cross-references Pa.R.J.A. No. 5005.5 regarding the request for a transcript and provides additional information found in that rule. The note also cross-references to Pa.R.J.A. Nos. 5005.6, 5005.7, and 5005.11 governing the fees for transcripts and their payment. The amendment revises and simplifies the note to provide a cross-reference regarding the request for transcripts, the fees for transcripts and their payment to amended Pa.R.J.A. Nos. 4007, 4008, and 4009.

In Pa.R.J.C.P. 380 and Pa.R.J.C.P. 1380, the Comments to both rules cross-reference the current chapter of the Rules of Judicial Administration governing court reporter and transcripts: 5000.1—5000.13. The amendments update these cross-references to the appropriate numbers: 4001—4016. Additionally, the Comments are revised to reflect recent revisions to the Comment to Pa.R.Crim.P. 500.

[Pa.B. Doc. No. 16-2064. Filed for public inspection December 2, 2016, 9:00 a.m.]

## PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

### Proposed Amendment of Pa.R.C.P. No. 1910.16-6

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania an amendment of Pa.R.C.P. No. 1910.16-6 governing allocation of child care expenses and additional expenses in support cases for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by February 24, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
*Chair*



Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.**

[ Additional expenses permitted pursuant to this Rule 1910.16-6 ] Adjustments to the Basic Support Obligation resulting from the additional expenses authorized by this rule may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

(a) *Child care expenses.* Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their monthly net incomes [ and added to his and her basic support obligation ]. The court may order that the obligor's share be added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee. When a [ parent ] party is receiving a child care subsidy through the Department of [ Public Welfare ] Human Services, the expenses to be allocated between the parties shall be the amount actually paid by the parent receiving the subsidy.

*Example.* Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is \$1,426 for two children. As Father's income is 64% of the parties' combined income, his share is \$913. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$1,133 (\$913 + \$220 = \$1,133).

**(1) Documentation of the child care expenses shall be provided to the other party within a reasonable period of time after receipt unless the service provider invoices the parties separately for their proportionate share of the expense. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.**

[ (1) ] (2) Except as provided in subsection [ (2) ] (3), the total child care expenses shall be reduced to reflect the amount of the federal child care tax credit available to the eligible parent, whether or not the credit is actually claimed by that parent, up to the maximum annual cost allowable under the Internal Revenue Code.

[ (2) ] (3) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible parent is not qualified to receive the credit.

\* \* \* \* \*

(d) *Private School Tuition. Summer Camp. Other Needs.* [ The support schedule does not take into

consideration expenditures for private school tuition or other needs of a child which are not specifically addressed by the guidelines. If the court determines that one or more such needs are reasonable, the expense thereof shall be allocated between the parties in proportion to their net incomes. The obligor's share may be added to his or her basic support obligation. ] Expenditures for needs outside the scope of typical child-rearing expenses, e.g., private school tuition, summer camps, have not been factored into the Basic Child Support Schedule.

(1) If a party presents an expense for a need not factored into the Basic Child Support Schedule and the court determines the need and expense are reasonable, the court shall allocate the expense between the parties in proportion to the parties' monthly net incomes. The court may order that the obligor's share be added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee.

(2) Documentation of the expenses allocated under (d)(1) shall be provided to the other party not later than March 31 of the year following the calendar year in which the invoice was received unless the service provider invoices the parties separately for their proportionate share of the expense. For purposes of subsequent enforcement, those expenses need not be submitted to the domestic relations section prior to March 31. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony pendente lite and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony pendente lite or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. This rule shall not be applied after a final resolution of all outstanding economic claims. For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

\* \* \* \* \*

**RECOMMENDATION 163  
Publication Report**

The Committee is proposing an amendment to Pa.R.C.P. No. 1910.16-6 as the rule relates to the allocation of child care expenses in subdivision (a) and other

additional expenses in subdivision (d). The proposal provides the court and the parties with the option to have the allocated expenses included in the basic support obligation, paid directly to the service provider, or paid to the obligee.

The Recommendation also proposes adopting a procedure similar to the documentation sharing mandate for unreimbursed medical expenses in subdivision (c). Requiring documentation of child care expenses in subdivision (a) and the additional expenses in subdivision (d), which are not included in the basic support obligation, to be shared between the parties on a timely basis should help eliminate exceedingly high reimbursements and payment of expenses in a more timely fashion, as well.

[Pa.B. Doc. No. 16-2065. Filed for public inspection December 2, 2016, 9:00 a.m.]

## PART I. GENERAL

### [ 231 PA. CODE CH. 1915 ]

#### Proposed Amendment of Pa.R.C.P. Nos. 1915.1 and 1915.4-3

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. Nos. 1915.1—Scope, Definitions and 1915.4-3—Non-Record Proceedings. Trial for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by February 24, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
Chair

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

##### Rule 1915.1. Scope. Definitions.

\* \* \* \* \*

(b) As used in this chapter, unless the context of a rule indicates otherwise,

**“action” means** ] **“action,”** all proceedings for legal and physical custody and proceedings for modification of prior orders of any court;

**“child,” an unemancipated individual under 18 years of age;**

**“conciliator,” for purposes of these rules, a conciliator is synonymous with a conference officer as defined in this rule;**

**“conference officer,” an individual who presides over an office conference pursuant to Pa.R.C.P. No. 1915.4-2(a) or the initial non-record proceeding under Pa.R.C.P. No. 1915.4-3(a). For purposes of these rules, a conciliator is synonymous with a conference officer;**

**“custody” means** ] **“custody,”** the legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody,” “physical custody,” and “shared custody;”

**“hearing officer,” a lawyer who conducts a record hearing on partial custody cases pursuant to Pa.R.C.P. No. 1915.4-2(b);**

**“home county” means** ] **“home county,”** the county in which the child [ **immediately preceding the time involved lived with the child’s parents, a parent, or** ] **lived with either or both parents,** a person acting as parent, or in an institution[, ] for at least six consecutive months[ , and in ] **immediately preceding the filing of the action. In** the case of a child less than six months old, the county in which the child lived from birth with any of the persons mentioned. A period of temporary absence of the child from the physical custody of the parent, institution, or person acting as parent shall not affect the six-month or other period;

**“in loco parentis,” a person who puts himself in the situation of a lawful parent by assuming the obligations incident to the parental relationship without going through the formality of a legal adoption. The status of in loco parentis embodies two ideas: 1) the assumption of a parental status; and 2) the discharge of parental duties;**

*Official Note: A.S. vs. I.S., 130 A.3d 763 (Pa 2015).*

**“legal custody” means** ] **“legal custody,”** the right to make major decisions on behalf of the child, including, but not limited to, medical, religious, and educational decisions;

**“mediator,” an individual qualified under Pa.R.C.P. No. 1940.4 and who assists custody litigants independently from the procedures set forth in Pa.R.C.P. Nos. 1915.1—1915.25 by engaging the litigants in the mediation principals in Pa.R.C.P. No. 1940.2 to resolve custody matters in whole or in part;**

“mediation,” as defined in Pa.R.C.P. No. 1940.2;

“non-record proceeding,” the initial office conference set forth in Pa.R.C.P. No. 1915.4-3. Mediation sessions referenced in Pa.R.C.P. No. 1940.1—1940.9 shall not be construed as non-record proceedings in Pa.R.C.P. No. 1915.4-3;

[“partial physical custody” means] “partial physical custody,” the right to assume physical custody of the child for less than a majority of the time;

[“person acting as parent” means] “person acting as parent,” a person other than a parent, including an institution, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody[;]. See also, the definition of *in loco parentis* and 23 Pa.C.S. § 5402;

[“physical custody” means] “physical custody,” the actual physical possession and control of a child;

[“primary physical custody” means] “primary physical custody,” the right to assume physical custody of the child for the majority of time;

[“relocation” means] “relocation,” a change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights;

[“shared legal custody” means] “shared legal custody,” the right of more than one individual to legal custody of the child;

[“shared physical custody” means] “shared physical custody,” the right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child;

[“sole legal custody” means the right of one] “sole legal custody,” the right of an individual to exclusive legal custody of the child;

[“sole physical custody” means the right of one] “sole physical custody,” the right of an individual to exclusive physical custody of the child; and

[“supervised physical custody” means] “supervised physical custody,” custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

\* \* \* \* \*

#### Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) *Non-Record Proceedings.* In [those jurisdictions that utilize] judicial districts utilizing an initial non-record proceeding [such as a conciliation conference or], *i.e.*, office conference, if [no agreement is reached at] an agreement is not finalized prior to the conclusion of the proceeding, the conference officer [or conciliator] shall promptly notify the court that the matter should be listed for trial. [Any] A lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a [conciliator or mediator or] conference officer to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

(b) *Trial.* The trial before the court shall be *de novo*. The court shall hear the case and render a decision within the time periods set forth in [Rule] Pa.R.C.P. No. 1915.4.

#### RECOMMENDATION 145

##### *Proposed Amendments to Pa.R.C.P. Nos. 1915.1 and 1915.4-3* **Republication Report**

The Domestic Relations Procedural Rules Committee (“Committee”) proposes amendments to Pa.R.C.P. Nos. 1915.1 (Scope. Definitions) and 1915.4-3 (Non-Record Proceedings. Trial). This Recommendation had been published originally in the *Pennsylvania Bulletin*, Pa.B. 5676 (September 19, 2015), as a proposed amendment to Pa.R.C.P. No. 1915.4-3. Pa.R.C.P. No. 1915.4-3 precludes attorneys serving as conciliators, mediators, or presiding over a non-record custody proceeding from practicing family law before conference officers, hearings officers, and judges in the judicial district in which the attorney had been appointed or employed.

When this rule had been amended previously, the Committee understood that the judicial districts utilized various titles, including mediator, to identify the person presiding over non-record proceedings. As a result, the term mediator was added to the practice preclusion rule text. However, after the effective date of the earlier amendment, the Committee received input that Pa.R.C.P. No. 1915.4-3 operated to preclude attorneys who serve as mediators pursuant to Chapter 1940 from practicing family law. The comments suggested mediators, unlike persons presiding over non-record proceedings, had no contact with the court and did not make recommendations to the court. The comments further contended that court-established mediation programs successfully resolved a significant number of custody cases that would otherwise proceed through an already overburdened custody docket, and precluding family law attorneys from participating as custody mediators would adversely affect mediation programs by reducing the number of qualified mediators.

The Committee recognized the benefit that mediation provided to the courts and custody litigants in the amicable resolution of child custody cases. As set forth in Chapter 1940, mediation is a process for alternate dispute resolution of child custody cases; however, mediation is not a non-record proceeding as contemplated by Pa.R.C.P. No. 1915.4-3. The Committee proposed amending the Pa.R.C.P. No. 1915.4-3 to eliminate “mediator” from the rule in the original Recommendation 145. But since the original publication, the Committee received additional input that suggested merely deleting the term mediator from the rule text may not resolve the issue and could create other issues, as well.

This Recommendation proposes an amendment to Pa.R.C.P. No. 1915.4-3 for the exclusion from practicing family law in the judicial district based solely on whether the attorney is presiding over the initial non-record proceeding, irrespective of the title held by the attorney in that capacity. Mediators, as defined in the proposed amendment to Pa.R.C.P. No. 1915.1 and as qualified in Pa.R.C.P. No. 1940.4, do not preside over custody conferences, hearings and non-record proceedings; rather, mediators engage custody litigants in alternate dispute resolution pursuant to Chapter 1940 of the Rules of Civil Procedure and, as such, the preclusion from practicing family law in the same judicial district in which the mediator is appointed is inapplicable.

Additionally, the Committee proposes an amendment to Pa.R.C.P. No. 1915.1 by adding additional definitions. The inclusion of some of the definitions is to standardize the terminology used in the custody process and to identify the court personnel by title and, in some cases, qualifications.

[Pa.B. Doc. No. 16-2066. Filed for public inspection December 2, 2016, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 3 AND 13 ]

#### Order Amending Rules 380 and 1380 of the Rules of Juvenile Court Procedure; No. 716 Supreme Court Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 16th day of November, 2016, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a) in the interest of efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 380 and 1380 of the Pennsylvania Rules of Juvenile Court Procedure is amended in the following form.

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

##### Annex A

#### TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

#### PART F. PRESERVATION OF TESTIMONY AND EVIDENCE

#### Rule 380. Preservation of Testimony After Commencement of Proceedings.

\* \* \* \* \*

B. By [ *agreement of the parties* ] *Agreement of the Parties.*

\* \* \* \* \*

##### Comment

This rule is intended to provide the means by which testimony may be preserved for use at a current or subsequent stage in the proceedings, which includes the taking of a deposition during the adjudicatory hearing to be used at a later stage of the adjudicatory hearing.

When testimony is to be preserved by video recording, see also Rule 381.

Commencement of proceedings includes any action after the submission of a written allegation. *See* Rule 200 (Commencement of Proceedings).

This rule does not address the admissibility of the preserved testimony. The court is to decide all questions

of admissibility. [ *See the Pennsylvania Rules of Evidence. Also see, e.g., Judicial Code § 5917, 42 Pa.C.S. § 5917 (1982); Commonwealth v. Scarborough, 421 A.2d 147 (Pa. 1980); Commonwealth v. Stasko, 370 A.2d 350 (Pa. 1977).* ] *See* Pa.R.E. 104(a); *see also* 42 Pa.C.S. § 5917.

“May be unavailable,” as used in paragraph (A)(1), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at the adjudicatory hearing or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, **or is elderly, frail, or demonstrates the symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

Under paragraph (A)(4), the court should preside over the taking of testimony. The court, however, may order that testimony be taken and preserved without the court’s presence when exigent circumstances exist or the location of the witness renders the court’s presence impracticable. Furthermore, nothing in this rule is intended to preclude the juvenile’s attorney, the juvenile, and the court from agreeing on the record that the court need not be present. Paragraph (B)(3) permits the attorney for the Commonwealth, the juvenile, and the juvenile’s attorney to determine among themselves whether the court should be present during the taking of testimony. That determination should be made a part of the written agreement required by paragraph (B)(1).

Nothing in this rule is intended to preclude the juvenile from waiving his or her presence during the taking of testimony.

The means by which the testimony is recorded and preserved are within the discretion of the court under paragraph (A) and the parties under paragraph (B), and may include the use of electronic or photographic techniques such as videotape or digital video diskette. There are, however, additional procedural requirements for preservation of testimony by video recording mandated by Rule 381.

The party on whose motion testimony is taken should normally have custody of and be responsible for safeguarding the preserved testimony. That party should also promptly provide a copy of the preserved testimony to the other party. Additionally, this rule is not intended to conflict with the requirements of the Pennsylvania Rules of Judicial Administration. For reporting and transcripts by court-employed reporters, see [ **the** ] Pa.R.J.A. Nos. [ **5000.1—5000.13** ] **4001—4016**.

When testimony is taken under this rule, the proceeding should afford the parties full opportunity to examine and cross-examine the witness. Counsel should not reserve objections for time of the adjudicatory hearing.

Paragraphs [ **A(5) and B(5)** ] **(A)(5) and (B)(5)** are intended to guard against pre-adjudicatory hearing disclosure of potentially prejudicial matters.

For the definition of “court,” see Rule 120.

**Official Note:** Rule 380 adopted April 1, 2005, effective October 1, 2005. **Amended November 16, 2016, effective January 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Chapter three, Part F published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendment to Rule 380 published with the Court's Order at 46 Pa.B. 7526 (December 3, 2016).**

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 13. PRE-ADJUDICATORY PROCEDURES**

**PART E. PRESERVATION OF TESTIMONY AND EVIDENCE**

**Rule 1380. Preservation of Testimony After Commencement of Proceedings.**

\* \* \* \* \*

B. By [ *agreement of the parties* ] *Agreement of the Parties.*

\* \* \* \* \*

**Comment**

This rule is intended to provide the means by which testimony may be preserved for use at a current or subsequent stage in the proceedings, which includes the taking of a deposition during the adjudicatory hearing to be used at a later stage of the adjudicatory hearing.

When testimony is to be preserved by video recording, see also Rule 1381.

This rule does not address the admissibility of the preserved testimony. The court is to decide all questions of admissibility. See [ *the Pennsylvania Rules of Evidence* ] Pa.R.E. 104(a).

"May be unavailable," as used in paragraph (A)(1), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at the adjudicatory hearing or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore [ **can not** ] **cannot** be effectively served with a subpoena, **or is elderly, frail, or demonstrates the symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

Under paragraph (A)(4), the court should preside over the taking of testimony. The court, however, may order that testimony be taken and preserved without the court's presence when exigent circumstances exist or the location of the witness renders the court's presence impracticable. Furthermore, nothing in this rule is intended to preclude the parties, their attorneys, and the court from agreeing on the record that the court need not be present. Paragraph (B)(3) permits the parties and their attorneys to determine among themselves whether the court should be present during the taking of testimony. That determination should be made a part of the written agreement required by paragraph (B)(1).

Nothing in this rule is intended to preclude the parties from waiving their presence during the taking of testimony.

The means by which the testimony is recorded and preserved are within the discretion of the court under paragraph (A) and the parties under paragraph (B), and may include the use of electronic or photographic techniques such as videotape or digital video diskette. There

are, however, additional procedural requirements for preservation of testimony by video recording mandated by Rule 1381.

The party on whose motion testimony is taken should normally have custody of and be responsible for safeguarding the preserved testimony. That party should also promptly provide a copy of the preserved testimony to the other parties. Additionally, this rule is not intended to conflict with the requirements of the Pennsylvania Rules of Judicial Administration. For reporting and transcripts by court-employed reporters, see [ **the** ] Pa.R.J.A. Nos. [ **5000.1—5000.13** ] **4001—4016**.

When testimony is taken under this rule, the proceeding should afford the parties full opportunity to examine and cross-examine the witness. Counsel should not reserve objections at the time of the adjudicatory hearing.

For the definition of "court," see Rule 1120.

**Official Note:** Rule 1380 adopted August 21, 2006, effective February 1, 2007. **Amended November 16, 2016, effective January 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1380 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendment to Rule 1380 published with the Court's Order at 46 Pa.B. 7526 (December 3, 2016).**

**Explanatory Report**

On August 12, 2016, the Supreme Court of Pennsylvania adopted amendments to Pa.R.J.A. Nos. 4001—4016 governing court reporting and transcripts. These amendments have precipitated technical amendments to Pa.R.C.P. No. 227.3 governing the transcript of testimony, Pa.R.J.C.P. 380 governing the preservation of testimony after commencement of proceedings in delinquency actions, and Pa.R.J.C.P. 1380 governing the preservation of testimony after commencement of proceedings in dependency actions to cross-reference to the court reporting and transcript rules.

In Pa.R.C.P. No. 227.3, the note currently cross-references Pa.R.J.A. No. 5005.5 regarding the request for a transcript and provides additional information found in that rule. The note also cross-references to Pa.R.J.A. Nos. 5005.6, 5005.7, and 5005.11 governing the fees for transcripts and their payment. The amendment revises and simplifies the note to provide a cross-reference regarding the request for transcripts, the fees for transcripts and their payment to amended Pa.R.J.A. Nos. 4007, 4008, and 4009.

In Pa.R.J.C.P. 380 and Pa.R.J.C.P. 1380, the Comments to both rules cross-reference the current chapter of the Rules of Judicial Administration governing court reporter and transcripts: 5000.1—5000.13. The amendments update these cross-references to the appropriate numbers: 4001—4016. Additionally, the Comments are revised to reflect recent revisions to the Comment to Pa.R.Crim.P. 500.

[Pa.B. Doc. No. 16-2067. Filed for public inspection December 2, 2016, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## ADAMS COUNTY

### Fee Schedule, Prothonotary; No. 2016-MS-132

#### Order of Court

*And Now*, this 14th day of November, 2016, the Fee Schedule of the Prothonotary of Adams County is hereby amended, as follows, effective January 1, 2017.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

<b>Prothonotary of Adams County Fee Schedule</b>		
Beverly Boyd, Prothonotary Adams County Courthouse 117 Baltimore Street, Room 104 Gettysburg, PA 17325 Phone: (717) 337-9834	Office Hours: 8:00 AM—4:30 PM Monday—Friday www.adamscounty.us Effective: January 1, 2017 All Passport Applicants Must Arrive Prior to 4:00 PM www.travel.state.gov	
<b>Acknowledgements</b>		\$10.75
<b>Appeals</b>		
Assessment Appeal		\$197.00
Driver's License & Registration Appeal		\$197.00
District Justice Appeal		\$197.00
Except Political Subdivision**		\$85.50
Liquor Control Board Appeal		\$197.00
Supreme, Superior, Commonwealth—Adams County Prothonotary's Fee		\$85.50
Appellate Court Fee (separate checks required)	Separate Checks Required	\$85.50
Except Political Subdivision—Adams County Prothonotary's Fee **		\$41.00
Zoning Appeal		\$197.00
Except Political Subdivision**		\$85.50
<b>Arbitration Proceedings: \$50,000 Limit</b>		
Motion To Appoint Arbitrators is required by the Court		\$28.00
Arbitration Appeal		\$650.00
Arbitration Award Judgment	Does NOT include Satisfaction Fee	\$25.50
<b>Bench Warrants</b>		\$9.25
<b>Certification</b>		\$6.25
<b>Copies:</b> 25 cents per page for file & docket copies	Copies from microfilm \$1.00 per page	
<b>Commencement of Action</b>		\$197.00
Abandoned Title, Vehicle, Boat, RVs, Motorcycles		\$197.00
Board of View	Commencement of Action	\$197.00
	Petition for appt of Board of View	\$28.00
	Required Deposit for Costs	\$1,000.00
<b>Civil Complaint with Confession of Judgment</b>	Satisfaction Fee for judgment NOT included	\$222.50
<b>Civil Complaint (Law or Equity)</b>		\$197.00
Except Political Subdivision		\$79.00
Reinstatement of Complaint		\$11.25
<b>Custody Complaint</b>		\$197.00
Petitions to Modify, Special Relief or Contempt		\$28.00
Home Study		\$75.00
<b>Declaratory Judgment</b>		\$197.00
<b>Divorce</b> Commencement of Action	Praecipe to Transmit	\$197.00

<b>Prothonotary of Adams County Fee Schedule</b>		
Additional Count (including adding APL)		\$58.50
Additional Count for Custody		\$79.00
Appointment of Master, Motions are required by the Court, along with Motion filing fee		\$500.00
Divorce with Custody Count	Praecepto to Transmit	\$276.00
Motions or Petitions: Including but not limited to: Special Relief, Modify, Contempt, Continuances, Enforcement		\$28.00
Except for payment of attorney or stenographer fees		
QDRO Fee—Petitions are required by the Court		\$28.00
Retake Maiden Name (filed to Divorce action)		\$20.50
Ejectment		\$197.00
Eminent Domain or Declaration of Taking		\$197.00
Liquor Control Board Appeal		\$197.00
Mechanics Liens	Satisfaction Fee for judgment NOT included	\$222.50
Minor's Compromise & Structured Settlement		\$197.00
Mortgage Foreclosure		\$197.00
Motions and Petitions	Except in Abuse cases, payment of attorney or stenographer fees	\$28.00
Name Change		\$197.00
Quiet Title		\$197.00
Writ of Summons		\$197.00
<b>Judgments</b>		
Assignments, Release, Satisfaction, Settlement, Strike, Vacate		\$10.25
Decree, Lis Pendens, Non Pros, Verdict		\$25.50
Default, Consent, Note, Foreign Judgment	Does NOT include Satisfaction Fee	\$25.50
Exemplified Record or Triple Seals		\$25.50
Motor Vehicle, License Reinstated, Certification to PaDOT		\$6.25
Transcript Judgment from Magisterial District Justice	Does NOT include Satisfaction Fee	\$25.50
<b>Liens</b>		
Building Agreements (Agreement, Waiver, Stipulation)		\$28.00
Federal and State, Municipal Liens	Discontinuance Fee	\$36.00
<b>Miscellaneous</b>		
<b>Notary Public Registration &amp; Acknowledgments</b>		\$4.25
<b>Petitions &amp; Motions</b>	Except in Abuse cases, payment of attorney or stenographer fees	\$28.00
<b>Passports</b>		
Book Adult (16 years old and above) US Dept of State Fee	check or money order required	\$110.00
Book Child (under 16 years of age) US Dept of State Fee	check or money order required	\$80.00
Card Adult (16 years old and above) US Dept of State Fee	check or money order required	\$30.00
Card Child (under 16 years of age) US Dept of State Fee	check or money order required	\$15.00
Prothonotary Fee	check, money order or cash	\$25.00
<b>Poundage</b>		
	Each dollar of the first \$1,000.00	\$0.03
	Each dollar thereafter	\$0.01
<b>Reinstatement of Complaint</b>		\$11.25

Prothonotary of Adams County Fee Schedule		
Statement of Intention to Proceed/Dismissals & Terminations		\$33.00
Subpoenas		\$4.25
Transfer Case To Another County		\$28.00
Writs		
Indexing of Out of County Writ		\$33.00
Reissue Writ of Summons, Execution, Scire Facias		\$11.25
Writ of Execution, Money Judgment, Mortgage Foreclosure		\$33.00
Writ of Possession		\$33.00
Writ of Revival (Adverse & Agreement)		\$33.00
Writ of Scire Facias	Discontinuance Fee	\$43.00
Writ of Summons		\$197.00
Writ of Wage Attachment for Garnishment		\$33.00

[Pa.B. Doc. No. 16-2068. Filed for public inspection December 2, 2016, 9:00 a.m.]

### BUCKS COUNTY

#### Mortgage Foreclosure Diversion Program; Administrative Order No. 55

And Now, this 10th day of November, 2016, Paragraph 7 of Bucks County Civil Division Administrative Order No. 55, promulgated on June 5, 2009, is hereby amended to read as follows:

7. This Order shall remain in effect until further Order of Court.

This Amendment shall take effect thirty days from the date of publication in the *Pennsylvania Bulletin*.

By the Court

JEFFREY L. FINLEY,  
President Judge

[Pa.B. Doc. No. 16-2069. Filed for public inspection December 2, 2016, 9:00 a.m.]

### CUMBERLAND COUNTY

#### Rules of the Court of Common Pleas; Local Rules 1996-1335

##### Order of Court

And Now, this 17th day of November 2016, it is hereby Ordered and Decreed, that effective January 1, 2017, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, the Cumberland County Court of Common Pleas adopts the following local rules, 4002, 4007, and 4008, governing court reporting and transcripts for the 9th Judicial District.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pa.courts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.

4. Incorporation of the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,  
President Judge

#### Rule 4002. Definitions.

All terms in these rules shall have the same meaning as defined in Pa.R.J.A. No. 4002. As further clarification:

(A) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) Transcript includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one of two categories regarding need and purpose:

(1) an ordinary transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) a non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (C)(1) above.

(D) The terms daily, expedited, rough draft and same-day delivery all refer to variations in the delivery deadline and cost for non-ordinary transcripts.

#### Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted to the appropriate filing office, with a copy to the district



court administrator's office, utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(B) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the district court administrator's office (electronic submission through the transcript web link is preferred); and
- (4) opposing counsel, or if not represented, the opposing party.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the court reporter.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make non-refundable, partial payment of 90% of the estimated transcript cost upon receipt of their invoice. Invoices will be sent within 6 business days after the receipt of the transcript request by the Court Administrator's office. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County, and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Upon receipt of the final invoice, payment for the final balance shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

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

(A) *Costs*

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

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

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

(B) *Economic hardship—minimum standards*

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office. Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(a) Copies of the forms listed above shall be provided to:

- (i) The presiding judge;
- (ii) The court reporter;
- (iii) The Court Administrator's Office;
- (iv) Opposing counsel or the opposing party if self-represented.

(D) *Copies of transcript*

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

- (1) \$0.50 per page bound, paper format, and,
- (2) \$0.50 per page electronic copy, not to exceed \$50.00. An additional \$20.00 fee may be charged if the copy cannot be emailed directly and needs to be transferred to another medium or multiple emails are required for file transfer.

(E) *Additional Costs*

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

[Pa.B. Doc. No. 16-2070. Filed for public inspection December 2, 2016, 9:00 a.m.]

**DAUPHIN COUNTY**

**Promulgation of Local Rules; No. 1793 S 1989**

**Order**

And Now, this 17th day of November 2016, Dauphin County Local Rules 115, 227.3, 1920.55-2 and 1930.2 are rescinded and Dauphin County Local Rules of Judicial Administration 4007 and 4008 are promulgated as follows:

**Rule 4007. Request for Transcripts.**

(A) All requests for transcripts shall be set forth on the standardized Request for Transcript form available in all filing offices (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) and at [www.dauphincounty.org/government/Court-Departments/Self-Help-Center](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center).

(B)(1) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations).

(2) The requesting party (attorney or self-represented party) shall immediately provide copies of the Request for Transcript to:

- (a) The presiding judge;
- (b) The court reporter;
- (c) The Court Administrator's Office;
- (d) Opposing counsel or the opposing party if self-represented.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the chief court reporter.

(D) Upon filing a Request for Transcript:

(1) The court reporter shall immediately determine the number of copies being ordered by contacting all counsel and/or self-represented parties and provide this information to the Court Administrator's Office.

(2) The requesting party (attorney or self-represented party) and any other part(ies) (attorney or self-represented party) other than the Commonwealth, a County or Court office or a subdivision thereof shall make a non-refundable deposit in the amount of 95% of the estimated cost of the transcript. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to the County of Dauphin and delivered to the Court Administrator's Office within seven (7) calendar days from the date the parties are notified.

(3) The court reporter shall prepare the transcript upon direction of the Court Administrator's Office.

(4) The court reporter shall notify all ordering parties and the Court Administrator's Office upon completion of the transcript.

(5) The court reporter shall deliver the original transcript to the appropriate filing office and distribute copies to the ordering parties upon payment of the balance owed.

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

(A) *Costs:*

(1) *Electronic Format Costs:*

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

(1) Rough, unedited draft, \$1.00 per page.

(2) Secure electronic feed which instantaneously delivers the translated unedited notes from the court reporter in the courtroom proceeding to an electronic device via Wi-Fi to the parties, \$1.00 per page.

(3) Ordinary transcript, \$2.50 per page;

(4) Expedited transcript, \$3.50 per page;

(5) Daily transcript, \$4.50 per page;

(6) Same day delivery, \$6.50 per page;

(2) *Complex Trial Surcharge:*

A surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for the court reporter to significantly expand their dictionary, when permitted by the judge, \$1.00 per page.

(3) *Paper Cost Surcharge:*

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

(B) *Economic Hardship—Petition to Waive Costs*

(1) A Petition to Waive all or a Portion of the Transcript Costs shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) along with the following:

(a) Request for Transcript; and

(b) Poverty Affidavit.

(2) Copies of the forms listed above shall be provided to:

(a) The presiding judge;

(b) The court reporter;

(c) The Court Administrator's Office;

(d) Opposing counsel or the opposing party if self-represented.

Forms are available in the Self Help Center and posted at [www.dauphincounty.org/government/Court-Departments/Self-Help-Center](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center).

(C) *Allocation of Costs among Several Ordering Parties:*

When more than one party orders the transcript, the transcript cost plus \$0.75 per page paper format and/or \$0.50 per page electronic copy shall be divided equally among the ordering parties.

(D) *Copies of Transcripts*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be made by letter or email to the Court Administrator's Office and provided according to the following fee schedule:

(1) \$0.75 per page paper format;

(2) \$0.50 per page electronic copy.

The rules shall be effective on January 1, 2017.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 16-2071. Filed for public inspection December 2, 2016, 9:00 a.m.]

**NORTHUMBERLAND COUNTY**  
**Local Rule—NCV-227.3; No. AD-2016-6**

**Order**

*And Now*, this 28th day of October, 2016, it is hereby *Ordered* that, effective January 1, 2017, Northumberland County Local Rule 227.3 is hereby *Amended*, to implement the local rule requirements set forth in Pa.R.J.A. Nos. 4007—4009.

The Northumberland County District Court Administrator is directed as follows:

(1) File one (1) copy of the Administrative Order with the Administrative Office of Pennsylvania Courts.

(2) Two (2) copies and CD-ROM of the Administrative Order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Northumberland County Law Library and the Editor of the *Northumberland County Legal Journal*.

(4) Publish a copy of the Administrative Order on the web site of Northumberland County.

(5) Thereafter, compile the Administrative Order within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that a copy shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Northumberland County.

*By the Court*

CHARLES H. SAYLOR,  
*President Judge*

**Rule NCV 227.3. Court Reporting and Transcripts of Testimony.**

This local rule covers the making, preserving, transcribing, fees and requests for transcripts of the record of proceedings in Northumberland County:

(A) Pursuant to Pa.R.J.A. No. 4007, for an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original written request with the Office of the District Court Administrator. A transcript request form is available in the District Court Administrator's office.

(B) A party ordering a transcript shall make partial payment of one-half of the estimated cost. All checks are to be made payable to "County of Northumberland", and delivered to the Office of the District Court Administrator. The requesting party shall serve copies of the request upon opposing counsel or party, if party is unrepresented.

(C) Pursuant to Pa.R.J.A. No. 4008, the costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be as follows:

- (1) For an ordinary transcript, \$2.50 per page;
- (2) For an expedited transcript, \$3.50 per page;
- (3) For a daily transcript, \$4.50 per page;
- (4) For same day delivery, \$6.50 per page.

(D) Where the Commonwealth or a subdivision thereof is liable for the cost of a transcript in an electronic format, the court reporter shall be paid \$2.00 per page for the original transcript.

(E) The trial judge may impose a reasonable surcharge in cases such as medical malpractice or other unusually complex litigation.

(F) The fees set forth herein are the maximum costs that may be charged to litigants or the public. Court reporting fees will be distributed by the District Court Administrator to the court reporter who transcribed the notes of testimony.

(G) Transcript costs subject to waiver under Pa.R.J.A. No. 4008(B) shall be reviewed by the District Court Administrator upon written request by the party making the claim for such waiver.

[Pa.B. Doc. No. 16-2072. Filed for public inspection December 2, 2016, 9:00 a.m.]

**YORK COUNTY**

**Amendment of Local Rules of Judicial Administration; CP-67-AD-33-2016; 2016-MI-000558**

**Amended Administrative Order Amending York County Local Rules of Judicial Administration**

*And Now*, this 15th day of November, 2016, it is *Ordered* that York County Local Rules of Judicial Administration are hereby amended as follows, effective January 1, 2017:

New rules 101, 1907.2, 1954, 4002, 4007, 4008, and 4009 are adopted.

Existing rule 10 is rescinded and replaced by new 101.

Existing rule 4000 is rescinded and not replaced.

The District Court Administrator shall publish this order as may be required.

*By the Court*

JOSEPH C. ADAMS,  
*President Judge*

**[ YCJA 10: Title and Citation of Rules:**

**These Rules shall be known as the York County Rules of Judicial Administration, and may be cited as "YCJA \_\_\_\_\_". ]**

-this rule is rescinded in its entirety and is replaced by new rule 101

**York R.J.A. 101. Title and Citation of Rules.**

**These rules shall be known as the York County Rules of Judicial Administration and may be cited as "York R.J.A. ....".**

-this new rule replaces rescinded rule 10

**York R.J.A. 1907.2. Constables—Policies, Procedures and Standards of Conduct—Constable Review Board.**

**(A) Pursuant to the Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct, the district court administrator shall establish a York County Constable Review Board to assist in resolving any disputes related to a constable's performance of judicial duties.**

**(1) The board shall receive complaints by or against constables regarding the performance of**

judicial duties, financial/payment disputes or other matters relevant to a constable's services to the courts.

(2) The board shall make recommendations to the president judge regarding the judiciary's continued use of the constable's services, or to the county controller if the dispute concerns financial or other matters within the county's control.

(3) The board shall forward any findings of suspected criminal activity to the district attorney.

(B) The board shall consist, as a minimum, of the following members periodically appointed by the president judge:

(1) the district court administrator, who shall co-chair the board;

(2) two (2) magisterial district judges, one of whom shall be the president MDJ who shall co-chair the board;

(3) a deputy district court administrator;

(4) two (2) constables, one of whom shall be the president of the constables association;

(5) the county controller; and

(6) the sheriff.

(C) The board shall establish and publicize procedures and guidelines for filing complaints.

-this is a new rule

York R.J.A. 1954. Judicial Security.

(A) Pursuant to Pa.R.J.A. No. 1954, the district court administrator shall establish a York County Court Security Committee to:

(1) make recommendations to the president judge on protocols, policies and procedures necessary to protect the public, court personnel and court facilities in the event of an emergency;

(2) communicate the approved protocols, policies and procedures;

(3) review and assess all security incident reports filed in the PAJIRS system and recommend to the president judge appropriate actions;

(4) develop and recommend to the president judge training programs for court employees on safety and security awareness; and

(5) ensure the completion of court facility security assessments as identified in the Unified Judicial System Court Safety and Security Manual and as prescribed by the state court administrator;

(B) The board shall consist, as a minimum, of the following members periodically appointed by the president judge:

(1) the district court administrator, who shall co-chair the board;

(2) a commissioned common pleas court judge, who shall co-chair the board;

(3) a magisterial district judge;

(4) the sheriff;

(5) a commissioner;

(6) the director of facilities management; and

(7) a constable.

-this is a new rule

[ YCJA 4000: Supervision of Court Reporters:

(A) The Court Administrator shall employ ...

...

(B) Court reporters shall receive reasonable ...

...

(2) Requests for compensation shall be ... request the service was rendered. ]

-this rule is rescinded in its entirety

York R.J.A. 4002. Definitions.

All terms in these rules shall have the same meaning as defined in Pa.R.J.A. No. 4002. As further clarification:

(A) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) Transcript includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one of two categories regarding need and purpose:

(1) an ordinary transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) a non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (C)(1) above.

(D) The terms daily, expedited, rough draft and same-day delivery all refer to variations in the delivery deadline and cost for non-ordinary transcripts.

-this is a new rule

York R.J.A. 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted to the appropriate filing office utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(B) Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript on a form to be prescribed by the district court administrator. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript.

(C) Any required costs for transcripts, including deposits, shall be paid by or on behalf of the requestor to the appropriate filing office. All checks, money orders and other non-cash conveyances shall be made payable to the "County of York". All collected costs shall become the property of the County of York for deposit to the county's general fund.

(D) Any required costs shall be estimated by the court reporter prior to preparation of the transcript. The court reporter shall notify the filing office of the estimated costs based upon transcript type and format, and whether the court has

granted the requestor hardship reduction or waiver of costs. The filing office shall notify the requestor if costs are due. The requestor shall be required to pay a deposit in the amount of 100% of the estimated required costs prior to preparation of the transcript by the court reporter.

(E) Upon completion of the transcript, the court reporter shall provide the transcript to the presiding judge. The court reporter shall calculate final total costs and notify the filing office of the amount.

(1) If no balance is due from the requestor, the court reporter shall provide the transcript to the filing office. The filing office shall provide copies of the transcript to the requestor and all other parties to the case, and shall return to the requestor any refund due from deposit.

(2) If a balance is due from the requestor, the filing office shall notify the requestor. Upon receipt of payment from the requestor, the filing office shall notify the court reporter, who shall provide the transcript to the filing office. The filing office shall provide copies of the transcript to the requestor and all other parties to the case. If the requestor fails to pay any remaining balance due, the court reporter shall not file the transcript and the filing office shall not refund any deposit.

(F) There is no need or reason for involvement of the court reporter in subsequent requests for copies of transcripts that have already been filed with the filing office and distributed to the parties to the case.

-this is a new rule

**York R.J.A. 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(A) The court establishes the following per-page fee schedule for transcripts delivered in electronic format:

- (1) ordinary: \$2.50;
- (2) non-ordinary: \$2.50;
- (3) non-ordinary rough draft: \$2.50;
- (4) non-ordinary expedited: \$3.50;
- (5) non-ordinary daily: \$4.50;
- (6) non-ordinary same-day delivery: \$6.50; and
- (7) subsequent copy of any transcript previously filed with the filing office: \$0.50.

(B) Except when specifically requested by an incarcerated defendant in a criminal matter, or when specifically requested by any other requestor and specifically ordered by the presiding judge, no paper format transcripts will be provided. A \$0.25 per-page surcharge shall be added to the costs specified in section (A) above for any paper transcript.

(C) In cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary, the presiding judge may, at his or her discretion, impose a \$2.00 per-page surcharge in addition to the costs specified in section (A) above.

(D) Court reporters shall provide to the court realtime transcription of all proceedings presided over by a judge of the court of common pleas,

without additional cost or fee. If any party to the case wishes to be provided access to a wireless broadcast stream of that realtime transcription, the party must notify the district court administrator at least one (1) business day in advance. If any party other than the court wishes to retain a digital copy of the realtime transcript beyond conclusion of that day's proceeding, the party shall execute a request for a non-ordinary rough draft transcript and shall pay any required costs prior to the proceeding. Access to realtime transcription will not be provided to any third party.

-this is a new rule

**York R.J.A. 4009. Fees Payable to the Court Reporter or Transcriptionist.**

(A) Court reporters shall be paid by the county a fee of \$1.50 per page for all notes written in court, including proceedings presided over by a judge, a magisterial district judge, or a master.

(B) Court reporters shall be paid by the county a fee of \$0.50 per page for every transcript or order filed with the court for which the reporter has or will be paid the fee in section (A) above.

(C) Court reporters shall be paid by the county a fee of \$2.00 per page for every transcript or order filed for which the reporter has not and will not be paid the fee in section (A) above.

(D) In addition to all fees outlined in sections (A), (B), and (C) above, court reporters shall be paid by the county the following additional per-page fees for every transcript filed of the following type:

- (1) non-ordinary expedited: \$0.50;
- (2) non-ordinary daily: \$1.50; and
- (3) non-ordinary same-day delivery: \$2.50

-this is a new rule

[Pa.B. Doc. No. 16-2073. Filed for public inspection December 2, 2016, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated November 17, 2016, Megan McCarthy Clark (# 312765) is Suspended on Consent from the Bar of this Commonwealth for a period of six months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 16-2074. Filed for public inspection December 2, 2016, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 93 AND 111 ]

#### Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) amends Chapters 93 and 111 (relating to boat registration and numbering; and special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2017.

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The amendment to § 93.3 (relating to application for boat registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendment to § 93.102 (relating to application procedure and contents of applications for certificates of title) is published under the statutory authority of section 5325 of the code (relating to rules and regulations). The amendment to § 111.9 (relating to Bucks County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. *Purpose and Background*

This final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. The Commission's Boating Advisory Board previously considered the proposed amendments and recommended that the Commission approve the publication of a proposed rulemaking.

#### E. *Summary of Changes*

(1) On April 27, 2012, the United States Coast Guard (Coast Guard) amended 33 CFR Parts 173, 174, 181 and 187 regarding numbering undocumented vessels and reporting boat accidents. These changes: align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System and accident reporting; require verification of vessel hull identification numbers; require SNS vessel owners to provide personally identifiable information; and provide flexibility for states and territories in administering these regulations. Together, the changes are intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements for stakeholders and promote the Coast Guard strategic goals of maritime safety and security. States have until January 1, 2017, to implement these changes.

Since 2012, the Commission has been working on effecting the necessary changes to its systems to be in

compliance with the amended Coast Guard regulations. Significant changes needed to be coded into the registration and titling system and its accompanying database. Coordination with the Department of Revenue was required to revise the REV-336 Instruction for Application for Pennsylvania Boat Registration and/or Boat Title form.

The majority of the required changes reflect nomenclature and vessel data category grouping changes and are considered housekeeping. Among these changes is standardizing how all states will now define "vessel type." Hull material has been expanded to include rubber/vinyl/canvas instead of referring to this class of hull material as "other." The Coast Guard also relabeled data categories. What was previously referred to as propulsion type is now called engine drive type. This category, which identifies a boat's engine drive, includes inboard, outboard, pod drive, stern drive and other. In addition, the Coast Guard refined how states categorize the manner in which a boat will be operated. The Coast Guard now restricts a boat's reported usage as pleasure, commercial passenger, livery/rental, commercial fishing, dealer and other commercial operation.

While these required changes are administrative in nature, the Commission must also collect and provide to the Coast Guard personally identifiable information that uniquely ties a boat to an owner. This will be accomplished by creating a unique identification number for each boat owner by collecting and then combining the vehicle driver's license of the owner with his date of birth. This unique identifier once entered into the system will match the boat's hull identification number with a single individual instead of simply linking it to a name. This will greatly benefit law enforcement when dealing with lost or stolen boats.

The Commission amends §§ 93.3 and 93.102 to read as set forth in Annex A.

(2) In 1997, the Commission enacted several regulations on the Delaware River to mirror New Jersey law. One of those regulations was the slow, no wake zone on Paunacussing Creek from the mouth to the vicinity of Green Hill Road from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

A recent review of this regulation found that the law was not enacted in New Jersey and is not being enforced by either state. In discussions with the New Jersey State Police, the agency with jurisdiction, the Commission learned that New Jersey has no desire to add this requirement to its boating law. Based on New Jersey's decision and the fact that the Commonwealth has not enforced this regulation in recent history, the Commission proposed to delete it.

The Commission amends § 111.9 to read as set forth in Annex A.

#### F. *Paperwork*

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

#### G. *Fiscal Impact*

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

*H. Public Involvement*

Notice of proposed rulemaking was published at 46 Pa.B. 2555 (May 21, 2016). The Commission did not receive public comments regarding the proposed amendments.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 93 and 111, are amended by amending §§ 93.3, 93.102 and 111.9 to read as set forth in Annex A.

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

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

(d) This order shall take effect on January 1, 2017.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-270 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 93. BOAT REGISTRATION AND NUMBERING**

**Subchapter A. REGISTRATION OF BOATS**

**§ 93.3. Application for boat registration.**

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) *Forms.* The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, Division of Licensing and Registration.

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

(i) The name, mailing address, residence address, phone number, county and zip code of the owner. If there is more than one owner, the principal owner shall be listed first.

(ii) If the owner is an individual, the driver's license number, if any. If the owner is a manufacturer, jobber or dealer, the tax identification number.

(iii) The name of the person from whom the boat was purchased.

(iv) The State registration number, if any, currently assigned to the boat.

(v) The make and model.

(vi) The hull material, such as wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas or other.

(vii) The full Hull Identification Number (HIN).

(viii) The year built, if known.

(ix) The length of the boat in feet and inches.

(x) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

(xi) The type of engine drive, such as outboard, inboard, sterndrive, pod drive or other.

(xii) The type of fuel, such as gas, diesel, electric or other.

(xiii) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

(xiv) The temporary validation expiration date, if one was issued.

(xv) The primary operation such as pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, charter fishing, commercial fishing, other commercial operation, and the like.

(xvi) A certificate of ownership. For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 "Affidavit of Purchase/Ownership" or other positive proof of ownership.

(xvii) The date the applicant completed the form.

(xviii) The signature of the owners and certification, under penalty of law, that they are the owners of the boat and that the information contained in the application is true and correct.

(xix) Complete Sales and Use Tax information.

(xx) The date of birth of the primary registrant and coregistrant.

(3) *Manufacturers, jobbers or dealers.* Paragraph (2)(vi)—(xiv) and (xx) does not apply to manufacturers, jobbers or dealers.

(4) *Boat rental business.* Paragraph (2)(xi) and (xii) does not apply to a boat rental business if a motor is not rented with the boat.

(5) *Incomplete or incorrect applications.* Incomplete or incorrect applications will not be processed until completed and may be returned by the Commission to the applicant or issuing agent.

(b) *Renewals.* Only Forms PFBC-730a and PFBC-733 shall be used to renew registrations of boats which are being kept by the same owner. If the registration has lapsed, the owner shall obtain Form PFBC-730a or PFBC-733 from the Division of Licensing and Registration of the Commission to renew the lapsed registration.

(c) *Previously registered boats.* Application for a certificate of registration for a boat previously registered in this Commonwealth shall conform with the following:

(1) Form REV-336 shall be completed by the purchaser and seller and signed by the last registered owner.

(2) A bill of sale, signed by the last registered owner, may be substituted for the required signature on REV-336.

(3) If the registered owner of a boat to be transferred is deceased, the personal representative (executor/administrator) of the decedent shall sign Form REV-336 for the deceased owner. The personal representative shall indicate his capacity with his signature and shall provide documentation—an original death certificate and letters testamentary, letters of administration, original short certificate, court order filed under small estates procedures or Form PFBC-R1—certifying his capacity to act on behalf of the decedent's estate. An original death certificate is not required if Form PFBC-R1 is signed by the attending physician or funeral director. If the boat registration is to be transferred from joint ownership, when one of the joint owners is deceased, the other joint owner shall present the original death certificate to effect the transfer.

(4) When an applicant seeks to register a boat having an expired registration and the last registered owner has not signed the REV-336 or bill of sale because the applicant is not the seller of the boat, the Commission will, prior to processing the application for registration, notify the last registered owner at his last known address that the applicant is seeking to register the boat. If the last registered owner claims an ownership interest in the boat and objects to the transfer of the registration to the applicant, the Commission will defer further processing until the parties resolve the ownership issues through established civil processes. If the last registered owner does not object to the transfer or fails to respond to the notice after 30 days, the Commission may process the request for registration if it is otherwise satisfied that the applicant is the true and lawful owner of the boat and entitled to registration.

(d) *Transfer of registration to new boat.* The holder of a valid Pennsylvania registration certificate on a boat previously owned by the holder may transfer the registration certificate for the remainder of the original boat's registration period to a new boat upon payment of the transfer fee for multiyear registrations as set forth in the code and submission of a complete Form PFBC R-4. If the registration fee for the new boat is greater than the registration fee for the old boat based on the length of the boat, the applicant shall also pay the difference between the registration fees for the new and old boat. The applicant shall submit the certificate of registration for the old boat and certify that the validation decals have been removed from the old boat at the time of transfer. The old boat's number shall remain with the old boat, and the new boat shall be issued a new number unless it was previously numbered in this Commonwealth.

### Subchapter B. TITLING OF BOATS

#### § 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are

co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The date of birth of the primary purchaser and the co-owner.

(3) The name of the person from whom the boat was purchased.

(4) The State registration number, if any, currently assigned to the boat.

(5) The hull material, such as wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas or other.

(6) The full Hull Identification Number (HIN).

(7) The make, model and year built, if known.

(8) The length of the boat in feet and inches.

(9) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

(10) The type of engine drive, such as outboard, inboard, sterndrive, pod drive or other.

(11) The type of fuel, such as gas, diesel, electric or other.

(12) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

(13) The primary operation such as pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, charter fishing, commercial fishing, other commercial operation, and the like.

(14) For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

(15) The names and addresses of each lienholder (in the order of priority).

(16) The date of lien encumbrance.

(17) The date the applicant completed the form.

(18) The signature of the owner.

(19) Complete Sales and Use Tax information.

(c) An outboard motor is an integral part of a boat and is subject to title and lien requirements. If any information pertaining to the outboard motor changes from that which the applicant provided in the original application, the applicant shall apply for a new title.

(d) The Commission will not process incomplete applications.

(e) The Commission will not issue a certificate of title for a boat that is registered or titled, or both, in another state or that is documented by the United States Coast Guard unless the application for title is accompanied by the current certificates of registration or title, or both, for the boat or evidence that the marine document for the boat is no longer in effect.



**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.9. Bucks County.**

(a) *Lake Nockamixon*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Neshaminy Creek*. Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

(c) *Tyler State Park*. The operation of boats powered by internal combustion motors is prohibited.

(d) *Delaware River*.

(1) Boats are limited to slow, no wake speed in Franklin Cove.

(2) Boats are limited to slow, no wake speed while passing through the following bridge spans:

(i) Route 263 (Stockton-Center) Bridge.

(ii) Route 202 Toll Bridge.

(iii) Route 179 (New Hope-Lambertville) Bridge.

(iv) Lumberville Foot Bridge.

(v) Upper Black Eddy—Milford Bridge.

(vi) Riegelsville Bridge.

(vii) Frenchtown “Free” Bridge.

(3) The mooring of boats within 100 feet of the marina boat dock in Franklin Cove is prohibited.

[Pa.B. Doc. No. 16-2075. Filed for public inspection December 2, 2016, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

### Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

#### D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

Harveys Lake is a 658-acre natural lake in Luzerne County. It is one of the few lakes in this Commonwealth managed as a put, grow and take stocked trout fishery. Brown trout survive year-round in Harveys Lake and commonly reach weights in excess of 10 pounds. The Commission established a miscellaneous special regulation to protect this fishery in 1998. Under this regulation, Harveys Lake is closed to all fishing for a 2-week period from April 1 to the opening day of trout season. Trout harvest is permitted at all other times of the year. The creel limit is 3 trout per day, only one of which may exceed 18 inches in length.

Commission law enforcement personnel have received numerous requests to open Harveys Lake to year-round fishing. In addition to trout, Harveys Lake supports excellent fisheries for Black Bass, Walleye, Yellow Perch,

Rock Bass and Bluegill. Bass anglers in particular would appreciate this proposed amendment because Harveys Lake is one of the few lakes in the region large enough to support power boating.

Allowing year-round fishing will benefit Harveys Lake anglers. It also will benefit stream anglers because it will allow the Commission to stock Harveys Lake in March, thus freeing up a stocking trip closer to opening day for a stream that has trout residency problems. However, opening Harveys Lake to year-round fishing will also require a change in harvest dates. Currently, Harveys Lake is open to trout harvest from March 1 to March 31. Trout harvest should be prohibited from March 1 to opening day to make Harveys Lake consistent with other stocked trout waters that are open to year-round fishing. The closure to harvest is also necessary to allow recently stocked trout to avoid rapid harvest and grow to large sizes.

In summary, the two proposed amendments to the miscellaneous special regulation are to open Harveys Lake to year-round fishing and prohibit the harvest of trout from March 1 to opening day of trout season. The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

#### F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

#### H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-273. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Luzerne	Harveys Lake	During the period from the first Saturday after April 11 through midnight <b>[ March 31 ] last day of February</b> , the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. <b>[ Fishing is prohibited from April 1 through 8 a.m. of the first Saturday after April 11. ]</b> Warmwater/coolwater species, except as provided in this section—Inland regulations apply.
* * * * *		

[Pa.B. Doc. No. 16-2076. Filed for public inspection December 2, 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 November 22, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-17-2016	First Commonwealth Bank Indiana Indiana County  Application for approval to acquire 100% of DCB Financial Corp, Lewis Center, OH, and thereby indirectly acquire 100% of The Delaware County Bank and Trust Company, Lewis Center, OH.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-17-2016	First Commonwealth Bank Indiana Indiana County  Application for approval to merge The Delaware County Bank and Trust Company, Lewis Center, OH, with and into First Commonwealth Bank, IN.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-7-2016	Northwest Savings Bank Warren Warren County	3858 North Buffalo Road Orchard Park Erie County, NY	Opened

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-4-2016	Northwest Bank Warren Warren County	3670 McKinley Parkway Buffalo Erie County, NY	Closed

### CREDIT UNIONS

No activity.

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. 16-2077. Filed for public inspection December 2, 2016, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0098043 (Sewage)	Traditions Restaurant & ITI STP 8535 Mason Dixon Highway Meyersdale, PA 15552	Somerset County Elk Lick Township	Unnamed Tributary to Tubs Run (19-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063533 (Sewage)	Tobyhanna Township Blakeslee Corners Treatment Facility 105 Government Center Way Pocono Pines, PA 18350-7741	Monroe County Tobyhanna Township	Tobyhanna Creek (2-A)	Yes
PA0051632 (Industrial)	Easton Water Treatment Plant 701 North Delaware St. Easton, PA 18043	Northampton County Easton City	Delaware River (1-F)	Yes
PA0063975 (Sewage)	Thompson Borough Susquehanna County Water Street PO Box 89 Thompson, PA 18465	Susquehanna County Thompson Borough	Starrucca Creek (04E)	Yes

**NPDES Permit No. PA0060569**, Sewage, **CBH20 STP (FKA Camelback Ski & Mountain Resort STP)**, PO Box 168, Tannersville, PA 18372-0168, Pocono Township, **Monroe County**.

The following notice reflects changes to the notice published at 46 Pa.B. 4210 (July 30, 2016):

Change to draft Total Residual Chlorine (TRC), Copper, and Zinc limits. Updated standard NPDES permit template conditions.

*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>
PA0029041 (Sew)	Living Waters Camp & Conference Center 300 Camp Living Water Road Shellsburg, PA 15559	Bedford County/ Napier Township	Shawnee Branch/11-C	Y
PA0080845 (IW)	NRG REMA LLC 121 Champion Way Suite 300 Canonsburg, PA 15317	Blair County/ Catharine Township	Frankstown Branch Juniata River 11-A	Y
PA0087378 (IW)	Letterkenny Army Depot 1 Overcash Avenue, Building 14 Chambersburg, PA 17201-4150	Franklin County/ Greene Township	Conodoguinet Creek/ 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0009725 (Industrial)	Jersey Shore Steel Plant 70 Maryland Avenue PO Box 5055 Jersey Shore, PA 17740-7113	Clinton County Pine Creek Township	Unnamed Tributary to West Branch Susquehanna River (9-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0238651 (Industrial)	SMS Technical Services LLC 100 Sandusky Street Pittsburgh, PA 15212	Venango County City of Oil City	Allegheny River (16-E)	Yes
PA0092304 (Sewage)	Shelbourne Personal Care 296 Dinnerbell Road Butler, PA 16002-8862	Butler County Penn Township	Robinson Run (20-C)	Yes

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

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

**PA0255149**, Sewage, SIC Code 8811, **Beatrice E. Fields**, 2322 Henry Road, Sewickley, PA 15143. Facility Name: Karp SRSTP. This proposed facility is located in Bell Acres Borough, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary of Rippling Run, is located in State Water Plan watershed 20-G and is classified for Trout Stocking, 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
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	XXX
				Geo Mean		

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 in effect.

**PA0255122**, Sewage, SIC Code 8800, **Stanley W. Kuny**, 6201 Penn Drive, Butler, PA 16002. Facility Name: Kuny SRSTP. This proposed facility is located in Bell Acres Borough, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Little Sewickley Creek, is located in State Water Plan watershed 20-G and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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
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	XXX
				Geo Mean		

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 in effect.

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

**PA0025976**, Sewage, SIC Code 4952, **Upper Moreland—Hatboro Borough Joint Sewer Authority**, PO Box 535, Willow Grove, PA 19090-0535. Facility Name: UMHJSA WWTP. This existing facility is located in Upper Moreland Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Pennypack Creek and Pennypack Creek, is located in State Water Plan watershed 3-J and is classified for Migratory Fishes and Trout Stocking, 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 an annual average design flow of 7.189 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.1	XXX	0.3
				Daily Avg		

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	1,440	2,160	XXX	24	36	48
May 1 - Oct 31	720	1,080	XXX	12	18	24
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,799	2,698	XXX	30	45	60
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	252.0	XXX	XXX	4.2	XXX	8.4
May 1 - Oct 31	84.0	XXX	XXX	1.4	XXX	2.8
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	120	XXX	XXX	2.0	XXX	4
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 7.189 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Toxicity, Chronic—Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	1.27	XXX	XXX
				Daily Max		
Reproduction (TUc)	XXX	XXX	XXX	1.27	XXX	XXX
				Daily Max		
Toxicity, Chronic—Pimephales Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Growth (TUc)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		

Note: (\*) See Part C Permit Requirement for instructions regarding October thru April reporting of maximum fecal coliform values.

The proposed effluent limits for Outfall 003 thru 007 are based on a storm event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX



Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Kjeldahl Nitrogen Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Owner
- Develop O&M Manual
- High Flow Maintenance Plan
- Fecal Coliform Reporting
- Instream Monitoring
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- Site-Specific Copper Criteria

UMHJSA WWTP has site-specific copper criteria based on a water effects ratio (WER) of 5.7 (*Pennsylvania Bulletin*, November 20, 1999). The WER is used as modifications to the Statewide copper criteria equation in order to determine site-specific copper criteria.

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

The EPA Waiver is not in effect.

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

**PA0033057**, Sewage, SIC Code 6515, **Nolt Henry W**, 455B Middle Creek Road, Lititz, PA 17543-7303. Facility Name: Crestview Village MHP. This existing facility is located in Londonderry Township, **Dauphin 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), Iron Run, is located in State Water Plan watershed 7-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 0.0145 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0145 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.63
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

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

**PA0020036**, Sewage, SIC Code 4952, **Blossburg Municipal Authority**, 245 Main Street, Blossburg, PA 16912-1125. Facility Name: Blossburg Municipal Authority Wastewater Treatment Plant. This existing facility is located in Blossburg Borough, **Tioga 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), Tioga River, is located in State Water Plan watershed 4-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	80	130	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	100	150	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	6.5	10	XXX	2.0	3.0	4
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
Iron, Total	Report	XXX	XXX	Report	XXX	XXX
Manganese, Total	Report	XXX	XXX	Report	XXX	XXX
Bromide	XXX	Report	XXX	Report	XXX	XXX
		Daily Max		Daily Max		

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

Parameters	Mass Units (lbs/day)		Concentrations (mg/L)			
	Monthly	Annual	Monthly	Monthly Average	Maximum	Instant. Maximum
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

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

**PA0264831**, Sewage, SIC Code 8800, **Hornberger Benjamin**, 133 Ridge Drive, Karns City, PA 16041. Facility Name: Benjamin Hornberger SRSTP. This proposed facility is located in Fairview Township, **Butler County**.

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

The receiving stream is an unnamed tributary to Sugar Creek, located in State Water Plan watershed 17-C and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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
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	XXX
				Geo Mean		

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

The EPA Waiver is in effect.

**PA0023124**, Sewage, SIC Code 4952, **Albion Borough**, 26 Smock Avenue, Albion, PA 16401. Facility Name: Albion Borough WWTP. This existing facility is located in Conneaut Township, **Erie County**.

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

The receiving streams, Conneaut Creek (Outfall 001), and East Branch Conneaut Creek (Outfall 002 & 003), are located in State Water Plan watershed 15 and are classified for, Warm Water Fishes/Migratory Fishes (Outfall 001) and Cold Water Fishes/Migratory Fishes (Outfall 002 & 003), aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	Max	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	292	467	XXX	25.0	40.0	50
May 1 - Oct 31	198	292	XXX	17.0	25.0	34
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Influent	Report	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids	350	525	XXX	30.0	45.0	60
Total Suspended Solids Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	187	XXX	XXX	16	XXX	32
May 1 - Oct 31	64	XXX	XXX	5.5	XXX	11
Total Phosphorus	12	XXX	XXX	1.0	XXX	XXX

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

The discharge(s) shall consist of uncontaminated stormwater runoff from the treatment plant site.

The proposed effluent limits for Outfall 003 are based on a design flow of 1.4 MGD.

This outfall is for emergency use only. Any discharge from this outfall shall meet the same effluent limitations and monitoring requirements imposed on Outfall 001.

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

- Chlorine Minimization
- Solids Management
- Whole Effluent Toxicity—annual testing requirement
- Stormwater Best Management Practices

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

The EPA Waiver is not in effect.

### 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. WQG02151607**, Sewerage, **West Brandywine Township Municipal Authority**, 199 Lafayette Road, West Brandywine, PA 19320.

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

Description of Action/Activity: Proposed pump station reconstruction and new force main installation.

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

**WQM Permit No. 0716401**, Sewerage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648.

This proposed facility is located in Hollidaysburg Borough, **Blair County**.

Description of Proposed Action/Activity: Continuation of the Phase 1 Sewer Improvement Project involving substantial parallel replacement of an existing sewer system.

**WQM Permit No. 2116407**, Sewerage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055.

This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Replacement of the Allendale Interceptor with approximately 2,625 ft of 8, 10, and 12 inch sanitary line being replaced with 18 inch sanitary line and expanded 5,321 ft with 18 inch sanitary line to handle additional EDUs added to the Interceptor due to diverting flow from a to-be-decommissioned pumping station.

**WQM Permit No. 0695404 Amendment No. 2**, Sewerage, **Bally Borough**, 425 Chestnut Street, Borough of Bally, PA 19503-0217.

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

Description of Proposed Action/Activity: Seeking approval for the construction of a new interceptor sewer consisting of Conveyance System Improvements.

**WQM Permit No. 3197403 Amendment 2**, Sewerage, **Mapleton Area Joint Municipal Authority**, PO Box 415, Mapleton Depot, PA 17052-0415.

This proposed facility is located in Union Township and Mapleton Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Upgrade to sewerage facilities with the construction and operation of two 14'-00" diameter, mechanical scraped clarifiers; and a Return Activated Sludge/Waste Activated Sludge system.

**WQM Permit No. 0516403**, Sewerage, **Bedford Township Municipal Authority**, 1007 Shed Road, PO Box 371, Bedford, PA 15522.

This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Replacement of on-lot sewer system with a gravity sewer extension.

**WQM Permit No. 6786429 Amendment 2**, Sewerage, **Northeastern York County Sewer Authority**, 175 Chestnut Street Extended, PO Box 516, Mount Wolf, PA 17347.

This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Proposed upgrade consisting of installing a cylindrical bar screen and grit collection unit at the head works, installation of an ultraviolet disinfection unit, the elimination of the chlorine disinfection treatment, and relocating the effluent outfall location from the Susquehanna River to Hartman Run.

**WQM Permit No. 0616406**, Sewerage, **Spring Township, Berks County**, 2850 Windmill Road, Reading, PA 19608.

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

Description of Proposed Action/Activity: Upgrade of the Penn State Pump Station and Force Main.

**WQM Permit No. 2116408**, Sewerage, **West Pennsboro Township Municipal Authority**, 2150 Neville Road, Carlisle, PA 17015.

This proposed facility is located in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Upgrade to pump station including construction of a wastewater pump station.

**WQM Permit No. 3616203**, Industrial Waste, **Green Harvest Augsburgers, LLC**, 511 South Bolmer Street, West Chester, PA 19382.

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

Description of Proposed Action/Activity: Seeking approval for the construction of a facility that will treat agricultural and food processing wastes using an advanced anaerobic digestion process and water treatment technologies. Treated water and solids will be beneficially reused.

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

**WQM Permit No. 1090402 A-4**, Sewage, **Concordia Lutheran Health & Human Care**, 134 Marwood Road, Cabot, PA 16023-2299.

This existing facility is located in Jefferson Township, **Butler County**.

Description of Proposed Action/Activity: Replacement of existing anoxic tank internal components with new fixed media filters.

**WQM Permit No. 6216410**, Sewage, **John Kersey**, 5495 Jackson Run Road, Warren, PA 16365.

This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 1016410**, Sewage, **William J Isenberg**, 105 Arberg Lane, Slippery Rock, PA 16057.

This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

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

*Lackawanna County Conservation Dist, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350001	PPL Electric Utilities Corp. 2 North Ninth St. Allentown, PA 18101	Lackawanna	Clarks Summit Borough Dalton Borough Glenburn Township Newton Township Ransom Township City of Scranton South Abington Township West Abington Township	Leach Creek (TSF, MF) Summit Lake Creek (TSF, MF) Ackerly Creek (TSF, MF) Trout Brook (CWF, MF) South Branch Leech Creek (TSF, MF) Keyser Creek (CWF, MF) Gardner Creek (CWF, MF) Falls Creek (CWF, MF) EV Wetlands

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520001	PA Dept of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Delaware, Lehman, Blooming Grove Townships	2 UNTs to Hornbecks Creek (HQ-CWF, MF) Hornbecks Creek (HQ-CWF, MF) 3 UNTs to Spackmans Creek (HQ-CWF, MF) 3 UNTs to Alicia Creek (HQ-CWF, MF) Briscoe Creek (HQ-CWF, MF) Blooming Grove Creek (HQ-CWF, MF) 9 UNTs to Toms Creek (EV, MF) Toms Creek (EV, MF) Bear Run (EV, MF) EV Wetlands (EV, MF)

*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>
PAD630001	North Strabane Township Municipal Authority 1929B Route 519 South Canonsburg, PA 15317	Washington County	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

**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. 1516516** Public Water Supply

<i>Applicant</i>	<b>Nottingham Property Management, LLC</b>
<i>Township</i>	West Nottingham
<i>County</i>	<b>Chester</b>
<i>Responsible Official</i>	Ronald Cheeseman Park Manager 478 Christine Road Nottingham, PA 19362
<i>Type of Facility</i>	PWS
<i>Consulting Engineer</i>	Daniel R. Hudson, P.E. Evans Mill Environmental, LLC P.O. Box 735 Uwchland, PA 19480
<i>Application Received Date</i>	November 2, 2016
<i>Description of Action</i>	Permitting of the Walnut Drive Well.

<b>Permit No. 1516520</b>	Public Water Supply	Responsible Official	Timothy Hagey Warminster Municipal Authority 415 Gibson Avenue Warminster, PA 18974
Applicant	<b>Aqua Pennsylvania, Inc.</b>	Type of Facility	PWS
Township	Schuylkill	Consulting Engineer	CKS Engineers 88 South Main Street Doylestown, PA 18901
County	<b>Chester</b>	Application Received Date	October 27, 2016
Responsible Official	Curt R. Steffy 762 W. Lancaster Avenue Bryn Mawr, PA 10910	Description of Action	Permit application for installation of activated carbon filtration to treat PFOS/PFOA contamination at Well # 3.
Type of Facility	PWS		
Consulting Engineer	Charlie Liu, P.E. BCM Engineers 920 Germantown Pike Plymouth Meeting, PA 19462		
Application Received Date	September 26, 2016		
Description of Action	Installation of inclined plate settlers and chain & flight sludge collectors and replacement of existing circular sludge collectors in existing sedimentation basins.		
		<b>Permit No. 4616530</b>	Public Water Supply
<b>Permit No. 4616527</b>	Public Water Supply	Applicant	<b>Aqua Pennsylvania, Inc.</b>
Applicant	<b>Aqua Pennsylvania, Inc.</b>	Borough	Hatboro
Township	Upper Moreland	County	<b>Bucks</b>
County	<b>Montgomery</b>	Responsible Official	Curt Steffy Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Responsible Official	Curt R. Steffy 762 W. Lancaster Avenue Bryn Mawr, PA 19010	Type of Facility	PWS
Type of Facility	PWS	Consulting Engineer	GHD 1240 North Mountain Road Harrisburg, PA 17112
Consulting Engineer	GHD Margo M. Weigner, P.E. 1240 N. Mountain Road Harrisburg, PA 17112	Application Received Date	September 26, 2016
Application Received Date	September 26, 2016	Description of Action	Permit application for the addition of an ammonia feed system at Hatboro Well # 15 station.
Description of Action	Addition of ammonia at the Hatboro # 21 Well Station.		
		<b>Permit No. 4616526</b>	Public Water Supply
<b>Permit No. 4616529</b>	Public Water Supply	Applicant	<b>Aqua Pennsylvania, Inc.</b>
Applicant	<b>Aqua Pennsylvania, Inc.</b>	Borough	Hatboro
Township	Upper Moreland	County	<b>Bucks</b>
County	<b>Montgomery</b>	Responsible Official	Curt Steffy Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Responsible Official	Curt R. Steffy 762 W. Lancaster Avenue Bryn Mawr, PA 19010	Type of Facility	PWS
Type of Facility	PWS	Consulting Engineer	GHD 1240 North Mountain Road Harrisburg, PA 17112
Consulting Engineer	GHD Margo M. Weigner, P.E. 1240 N. Mountain Road Harrisburg, PA 17112	Application Received Date	September 27, 2016
Application Received Date	September 26, 2016	Description of Action	Permit application for the addition of an ammonia feed system at Hatboro Well # 17 station.
Description of Action	Addition of ammonia at the Hatboro # 9 Well Station.		
		<b>Permit No. 4616533</b>	Public Water Supply
<b>Permit No. 0916521</b>	Public Water Supply	Applicant	<b>Aqua Pennsylvania, Inc.</b>
Applicant	<b>Warminster Municipal Authority</b>	Township	Upper Moreland
Township	Warrington	County	<b>Montgomery</b>
County	<b>Bucks</b>	Responsible Official	Fred Gerloff Aqua Pennsylvania Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010

Type of Facility PWS  
 Consulting Engineer Aqua Pennsylvania, Inc.  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Application Received November 9, 2016  
 Date  
 Description of Action Permit application for the  
 replacement of existing booster  
 pumps at the Upper Moreland  
 Booster Station.

**Permit No. 0916521** Public Water Supply  
 Applicant **Warminster Municipal  
 Authority**  
 Township Warrington  
 County **Bucks**  
 Responsible Official Timothy Hagey  
 Warminster Municipal Authority  
 415 Gibson Avenue  
 Warminster, PA 18974  
 Type of Facility PWS  
 Consulting Engineer CKS Engineers  
 88 South Main Street  
 Doylestown, PA 18901  
 Application Received October 27, 2016  
 Date  
 Description of Action Permit application for  
 installation of activated carbon  
 filtration to treat PFOS/PFOA  
 contamination at Well # 3.

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

**Application No. 4516510**, Public Water Supply.  
 Applicant **Tobyhanna Army Depot**  
 11 Hap Arnold Blvd  
 Tobyhanna, PA 18466  
 [Township or Borough] Coolbaugh Township,  
**Monroe County**  
 Responsible Official Thomas J. Widoner  
 11 Hap Arnold Blvd  
 Tobyhanna, PA 18466  
 Type of Facility PWS  
 Consulting Engineer Craig Burt, PE  
 Weston Solutions, Inc.  
 1400 Weston Way  
 Weston Chester, PA 19380  
 Application Received 10/28/2016  
 Date  
 Description of Action Installation of new wells and  
 water treatment system to  
 replace existing wells.

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

**Permit No. 0616513**, Public Water Supply.  
 Applicant **Western Berks Water  
 Authority**  
 Municipality Lower Heidelberg Township  
 County **Berks**

Responsible Official Leonard E. Bilger II, Executive  
 Director  
 91 Water Road  
 Sinking Spring, PA 19608  
 Type of Facility Public Water Supply  
 Consulting Engineer John P. Spitko, P.E.  
 Spotts Stevens and McCoy Inc  
 1047 North Park Road  
 Reading, PA 19610-0307  
 Application Received: 10/18/2016  
 Description of Action Upgrade of pretreatment  
 facilities.

**Permit No. 3416502**, Public Water Supply.  
 Applicant **Mifflintown Municipal  
 Authority**  
 Municipality Walker Township  
 County **Juniata**  
 Responsible Official Mike Robinson, Manger  
 PO Box 36  
 Mifflintown, PA 17059  
 Type of Facility Public Water Supply  
 Consulting Engineer Patrick J. Ward, P.E.  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
 Application Received: 10/24/2016  
 Description of Action State Route 0075 booster  
 pumping station.

**Permit No. 3616518**, Public Water Supply.  
 Applicant **P.S.C. Chadaga**  
 Municipality Earl Township  
 County **Lancaster**  
 Responsible Official P.C.S Chadaga, Log Cabin Court  
 1300 Market Street  
 Suite 201  
 PO Box 622  
 Lemoyne, PA 17043-0622  
 Type of Facility Public Water Supply  
 Consulting Engineer Charles A. Kehew II, P.E.  
 James R. Holley & Associates,  
 Inc.  
 18 South George Street  
 York, PA 17401  
 Application Received: 11/10/2016  
 Description of Action Installation of facilities for lead  
 and copper corrosion control  
 treatment.

*Northcentral Region: Safe Drinking Water Program  
 Manager, 208 West Third Street, Suite 101, Williamsport,  
 PA 17701-6448.*

**Application No. 4916503—Construction—Public  
 Water Supply.**  
 Applicant **Dutch Valley Food Company**  
 Township/Borough City of Sunbury  
 County **Northumberland**



Responsible Official Dutch Valley Food Co., LLC  
Subsidiary of Weis Markets, Inc.  
1000 S. Second Street  
Sunbury, PA 17801

Type of Facility Public Water Supply

Consulting Engineer Kenneth M. Justice, P.E.  
AEON Geoscience, Inc.  
2120 Bellemead Ave.  
Suite 14-2 KMJ, Inc.  
Havertown, PA 19083

Application Received November 14, 2016

Description of Action Two new spring sources for a  
gallon bottled water system at  
their facility in Sunbury.

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

**Permit No. 0216538**, Public Water Supply.

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

[Township or Borough] West Mifflin Borough

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

Type of Facility West Mifflin water storage tank

Consulting Engineer Pennsylvania American Water  
Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Application Received  
Date September 1, 2016

Description of Action Installation of a mixing system  
in the West Mifflin water storage  
tank.

**Permit No. 0216539**, Public Water Supply.

Applicant **Municipal Authority of  
Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] McKeesport

Responsible Official William Castelli, Distribution  
Facility Superintendent  
Municipal Authority of  
Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Alpine pump station

Consulting Engineer Gibson-Thomas Engineering  
Company, Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received  
Date October 26, 2016

Description of Action Installation of the Alpine pump  
station.

**Permit No. 0216541**, Public Water Supply.

Applicant **Municipal Authority of the  
Borough of Oakmont**  
PO Box 73  
721 Allegheny Avenue  
Oakmont, PA 15139

[Township or Borough] Penn Hills

Responsible Official John D. Dunlap, General  
Manager  
Municipal Authority of the  
Borough of Oakmont  
PO Box 73  
721 Allegheny Avenue  
Oakmont, PA 15139

Type of Facility Alcoma water storage tank

Consulting Engineer NIRA Consulting Engineers, Inc.  
950 5th Avenue  
Coraopolis, PA 15108

Application Received  
Date October 26, 2016

Description of Action Cleaning, painting and  
installation of a mixing system  
in the Alcoma water storage  
tank.

#### 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.*

**Permit No. 0216540MA, Minor Amendment.**

Applicant **Municipal Authority of  
Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] McKeesport

Responsible Official William Castelli, Distribution  
Facility Superintendent  
Municipal Authority of  
Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Alpine water storage tank

Consulting Engineer Gibson-Thomas Engineering  
Company, Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received  
Date October 26, 2016

Description of Action Construction of the Alpine water  
storage tank.

**Permit No. 1116508MA, Minor Amendment.**

Applicant **Highland Sewer & Water  
Authority**  
120 Tank Drive  
Johnstown, PA 15904

[Township or Borough] Summerhill Township

Responsible Official Edward J. Englehart, Manager  
Highland Sewer & Water  
Authority  
120 Tank Drive  
Johnstown, PA 15904

Type of Facility Beaverdam intake

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received November 14, 2016  
Date

Description of Action Improvements to the Beaverdam  
intake which includes  
replacement of the sluice gate,  
rehabilitation of the intake  
screens and replacement of the  
trash rack.

**Permit No. 2616508MA, Minor Amendment.**

Applicant **Municipal Authority of  
Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Rostraver Township

Responsible Official Michael Kukura, Resident  
Manager  
Municipal Authority of  
Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering  
Company, Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received November 15, 2016  
Date

Description of Action Installation of approximately  
3,060 feet of waterline (Marian  
Woodlands development).

**Permit No. 6516513MA, Minor Amendment.**

Applicant **Municipal Authority of  
Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Salem Township

Responsible Official Michael Kukura, Resident  
Manager  
Municipal Authority of  
Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering  
Company, Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received November 15, 2016  
Date

Description of Action Installation of approximately  
1,410 feet of waterline.

**Permit No. 0216542MA, Minor Amendment.**

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

[Township or Borough] City of Pittsburgh

Responsible Official David R. Kaufman, P.E.  
Vice President-Engineering  
Pennsylvania American Water  
Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer Gannett Fleming, Inc.  
PO Box 67100  
Harrisburg, PA 17106

Application Received November 14, 2016  
Date

Description of Action Replacement of approximately  
6,500 feet of raw water main  
along Becks Run Road.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate  
Submitted under the Land Recycling and Envi-  
ronmental 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 Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former CVS Property 505 North Derr Drive**, Borough of Lewisburg, **Union County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Shannon Investments, LP, c/o Derr, Pursel, Luschas & Naparsteck, LLP, 120 W. Main St., Bloomsburg, PA 17815, has submitted a Notice of Intent to Remediate soil contaminated with Diesel Fuel and Fuel Oil. The applicant proposes to remediate the site to meet the Statewide health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on November 8, 2016.

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

**Williams Northeast Gathering & Processing Laurel Mountain Midstream Former Stewart Compressor Facility**, 70 Caldwell Road, Mount Pleasant Township, **Washington County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Williams Northeast Gathering & Processing Laurel Mountain Midstream, 111 Enterprise Lane, Connellsville, PA 15425 has submitted a Notice of Intent to Remediate (NIR) to meet the residential Statewide Health standards concerning site soils contaminated with petroleum type lubricants. Notice of the NIR was published in the *Observer-Reporter* on September 23, 2016.

**Williams Northeast Gathering & Processing Laurel Mountain Midstream Former Robin Hill Compressor Facility**, 721 Washington Road, Robinson Township, **Washington County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Williams Northeast Gathering & Processing Laurel Mountain Midstream, 111 Enterprise Lane, Connellsville, PA 15425 has submitted a Notice of Intent to Remediate (NIR) to meet the residential Statewide Health standards concerning petroleum type lubricants. Notice of the NIR was published in the *Pittsburgh Post-Gazette* on September 22, 2016.

**Williams Northeast Gathering & Processing Laurel Mountain Midstream Former Joseph Compressor Facility**, 420 Vanderbilt Road, Dunbar Township, **Fayette County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Williams Northeast Gathering & Processing Laurel Mountain Mid-

stream, 111 Enterprise Lane, Connellsville, PA 15425 has submitted a Notice of Intent to Remediate (NIR) to meet the residential Statewide Health standards concerning site soils contaminated with triethylene glycol from a release. Notice of the NIR was published in the *Herald-Standard* on September 22, 2016.

### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGI007R001.** Penn State Milton S. Hershey Medical Center, 90 Hope Drive, Hershey, PA 17033-0855. The renewal application is for the processing of regulated medical waste in a modular disinfection unit. The processing involves thermal and chemical inactivation using sodium hypochlorite and low pressure steam. The application deemed administratively complete by Central Office on November 10, 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, 717-787-7381. 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 WMGI007R001" 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.

**Application(s) Administratively Extended 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 Infectious and Chemotherapeutic Waste Processing Facilities.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGI007.** The expiration date for Regulated Medical and Chemotherapeutic Waste General Permit No. WMGI007 is being administratively extended for 1 year under 25 Pa. Code § 284.116(e). This permit authorizes the processing of regulated medical waste in a modular disinfection unit. The processing involves thermal and chemical inactivation using sodium hypochlorite and low pressure steam. The permit is currently being reviewed and revised. The new expiration date will be November 27, 2017.

Written comments concerning General Permit No. WMGI007 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, 717-787-7381. 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 WMGI007" 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.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure

that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

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### Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**GP1-46-0251: Arkema Inc.** (900 First Avenue, King of Prussia, PA 19406) On November 8th 2016 for the installation and operation of a Cleaver-Brooks (CBEX-700-600-200St) 25.1 MMBtu/hr Gas-Fired Boiler in Upper Merion Township, **Montgomery County**.

**AMS IP16-000234: Philadelphia Energy Solutions (PES)** (3144 Passyunk Avenue, Philadelphia, PA 19145) for the amendment of Plan Approval No. 15232 to authorize the use of Emission Reduction Credits (ERCs) for Plan Approval No. 15232 and the Tier 3 Project. This plan approval was issued September 22, 2016 for several operational and process changes to be made at the facility in order to comply with the U.S.E.P.A. Tier 3 gasoline standards. PES was required to obtain 45.1 tons of Nitrogen Oxide (NO<sub>x</sub>) ERCs and 38.1 tons of Volatile Organic Compound (VOC) ERCs as part of the plan approval in order to comply with the offset requirements of 25 Pa. Code § 127.206(d). To satisfy these requirements, it is proposed to amend this plan approval to incorporate conditions which retire 45.1 tons of NO<sub>x</sub> ERCs and 40.55 tons of VOC ERCs which PES obtained to satisfy these requirements. PES obtained an extra 2.45 tons of VOC ERCs and is proposing to retire them so they will be available in the future.

Anyone affected by the proposed plan approval amendment may submit written comments or a request for a public hearing by mail to Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, Attn: Debra Williams within thirty (30) days from today. Comments received by facsimile will not be accepted.

### OPERATING PERMITS

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

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

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

**46-00001: JBS Souderton Inc.** (741 Souder Road, Souderton, PA 18964), located in Franconia Township, **Montgomery County**. This action is a renewal of the

Title V Operating Permit; the current permit will expire on November 28, 2016. The facility is a meat-packing and rendering plant, which emits major levels of Nitrogen Oxides (NO<sub>x</sub>) from the boilers on site. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 because the existing control devices are not used to reduce emissions for which the facility is major (NO<sub>x</sub>). The requirements of 40 CFR Part 63 Subpart JJJJJJ applicable to liquid fuel-fired units have been added to the renewal permit for the York Shipley Boiler (Source ID 031), and the Keeler Boilers (Source ID 033 and 034); the facility will no longer restrict the multi-fuel boilers fuel use to natural gas only. The RACT II requirements of 25 Pa. Code §§ 129.96—125.100 are also addressed with this renewal permit.

**15-00010: ArcelorMittal Plate, LLC** (139 Modena Road, Coatesville, PA 19320), for the modification of the Title V Operating Permit in Coatesville Borough, **Chester County**. This permit is being modified in accordance with 25 Pa. Code § 127.542 and incorporates the RACT Phase II requirements into the existing operating permit in accordance with 25 Pa. Code § 129.99 (a) [Alternate RACT proposal]. The facility recycles steel and reforms it into steel slabs or steel ingots. The facility is both major for NO<sub>x</sub> emissions and VOC emissions. The following sources are subject to case-by-case RACT II regulations: the EMS Boiler (Source ID 055), the “D” Electric Furnace (104), the BHT Furnaces 2—8, & 10 (Source ID 136), the 145’ NAB Furnace (Source ID 146A), the 200’ NAB Furnace (Source ID 146B), and Soaking Pits # 35—# 49 (Source ID 151). These RACT II revisions will be submitted to EPA for review and approval to be added to the State implementation plan. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas 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.*

**36-05002: Armstrong Flooring, Inc.** (P.O. Box 3001, Lancaster, PA 17604) for operation of their flooring manufacturing plant in the City of Lancaster, **Lancaster County**. Actual emissions from the facility in 2015 were estimated at 6.60 tons CO, 16.55 tons NO<sub>x</sub>, 6.29 tons PM<sub>10</sub>, 6.29 tons PM<sub>2.5</sub>, 0.95 ton SO<sub>x</sub>, 24.10 tons VOC, 0.18 ton of a single HAP (glycol ethers), and 0.28 ton of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units, 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers, 40 CFR 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry, & 40 CFR 63, Subpart ZZZZ—

National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

**53-00008: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221-5855) to issue a modified Title V Operating Permit for their facility located in Wharton Township, **Potter County**. The facility is currently operating under Title V Operating Permit 53-00008. This operating permit revision is to limit the facility-wide volatile organic compound emissions from the East Fork Compressor Station to no more than 45.00 tons in any 12 consecutive month period. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. No emission or equipment changes are being proposed by this action. 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. 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.

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

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

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

**23-00222: William Lombardo Funeral Home, Inc.** (33 West Baltimore Avenue, Clifton Heights, PA 19018) for an initial Non-Title V Facility, State-Only, Natural Minor Permit of a Matthews Animal Cremation Unit, rated at 100 lb/hr, at an existing funeral home in Clifton Heights Borough, **Delaware County**. The cremation unit is equipped with an afterburner and an opacity monitor. Emissions of PM shall remain below 0.08 grain per dry standard cubic feet, corrected to 7 percent O<sub>2</sub>. Emissions of SO<sub>x</sub> shall remain below 500 ppmv. The operating permit will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**35-00004: Cascade Tissue Group PA Inc.** (1 Main St, Ransom, PA 18653) intends to issue a State Only (Synthetic Minor) Operating Permit for their facility located in Ransom Township, **Lackawanna County**. The facility is currently operating under Title V Operating Permit 35-00004; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The sources at the facility

include two (2) natural gas-fired boilers, one (1) 49 MMBtu/hr and one (1) 43 MMBtu/hr, two (2) natural gas-fired hoods, one (1) 14 MMBtu/hr and one (1) 15 MMBtu/hr, two (2) felt washing processes, two (2) wire wash processes, and one (1) defoamer.

The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**56-00011: New Enterprise Stone and Lime Co./Central City Sand Plant** (417 Sand Plant Road, Cairnbrook, PA 15824) for the operation of a san processing plant located in Shade Township, **Somerset County**. The subject facility consists of the following processing equipment: six crushers, four screens, one sand classifier and transfer belts. The facility is limited to 1,000,000 tons of product per consecutive 12-month period. The facility also operates two diesel generators: Caterpillar 3508, rated at 1089 bhp and a Caterpillar D398 rated at 939 bhp. The 939 bhp engine is limited to 3,500 hours per consecutive 12-month period. The facility has the potential to emit: 98.9 tpy NO<sub>x</sub>; 18.3 tpy SO<sub>x</sub>; 8.0 tpy CO; 1.10 tpy VOC; 66.61 tpy PM and 23.91 PM<sub>10</sub>. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart OOO). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

**32-00335: C&J Energy Services, Inc./Black Lick Facility** (Route 119 North, Black Lick, PA 15716) for the manufacturing of hydraulic cement for use in the gas and oil industry located in Black Lick Township, **Indiana County**. The subject facility consists of one cement silo, two sand silos, one blend tank, one scale tanks and an hydrochloric storage tank used to store materials used for oil and gas well isolation. The facility has the potential to emit 52.11 tpy PM. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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

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

**61-00228: AM Stabilizers Corporation** (705 Silhavy Road, Valparaiso, IN 46383), the Department intends to issue a new Natural Minor Operating Permit to operate the Plastics Materials and Resins Plant in Sugarcreek Borough, **Venango County**. The facility's primary emission sources include packaging, Reactors and Tanks, smaller sources and miscellaneous cold cleaning degreasers. The Reactors and Tanks are controlled by scrubbers and condensers. The emissions from this facility combined with the emissions from OMG are less than 49.9 TPY of VOC, less than 9.9 TPY of individual HAPs, and less than 24.9 TPY of combined HAPs. The sources were previously owned and operated by OMG Americas. The existing requirements from OMGs permit were added to AM Stabilizers permit. The facility is a synthetic minor.

## PLAN APPROVALS

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

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

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

**40-00005D: UGI Development Co.** (390 Route 11, PO Box 224, Hunlock Creek, PA 18621) for their facility located Hunlock Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to UGI Development Co. (390 Route 11, PO Box 224, Hunlock Creek, PA 18621) for their facility located in Hunlock Township, Luzerne County. This Plan Approval No. 40-00005D will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00005D is for the modification to the Duct Burner hour limit for the following equipment:

- Two GE LM6000 PC-Sprint CTGs.
- Two (2) supplementary natural gas-fired HRSGs with separate exhaust stacks (one for each Combustion Turbine ("CT"))

The proposed emission control systems are carbon monoxide ("CO") oxidation catalyst and selective catalytic reduction ("SCR") systems.

The source main emissions for the new sources are NO<sub>x</sub>, CO, and VOC. The new sources will meet all applicable requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00005D and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program,

2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To transfer the permit for the Cumberland Mine in Center, Franklin, Greene, Perry, Wayne and Whiteley Townships, **Greene County** and related NPDES from Cumberland Coal Resources, LP. No additional discharges. The application was considered

administratively complete on November 16, 2016. Application received September 8, 2016.

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

**Permit No. 56860104 and NPDES No. PA0597601. Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 507.0 acres. Receiving streams: unnamed tributaries to and Blue Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 4, 2016.

**Permit No. 29160101 and NPDES No. PA0279285. J&J Svonavec Excavating, Inc.**, 618 Samuels Road, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Wells and Broad Top Townships, **Fulton and Bedford Counties**, affecting 66.0 acres. Receiving stream: Great Trough Creek classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 4, 2016.

The application includes a wetland encroachment to mine through and replace 0.222 acre of wetlands.

The application also includes a request for a Section 401 Water Quality Certification.

**Permit No. 05160101 and NPDES No. PA0279447. J&J Svonavec Excavating, Inc.**, 618 Samuels Road, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Broad Top, Wood, and Wells Townships, **Bedford, Huntingdon, and Fulton Counties**, affecting 95.0 acres. Receiving stream: Great Trough Creek classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 4, 2016.

The application includes a stream encroachment to utilize an existing stream crossing on the haul road within the barrier area of unnamed tributary to Great Trough Creek.

**Permit No. 32050106 and NPDES No. PA0249823, Beth Contracting Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, commencement, operation and restoration of a bituminous surface mine to change the land use from forestland to unmanaged natural habitat in Glen Campbell Borough, **Indiana County**, affecting 56.1 acres. Receiving streams: Brady Run and unnamed tributaries to Cush Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 8, 2016.

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

**30080201 and NPDES Permit No. PA0251470. Shannopin Materials, LLC** (103 Corporate Drive, Suite 102, Morgantown, WV 26501). Revision application for deleting Sub-Chapter F monitoring points, delete acres, and revise the NPDES and mining operation to an existing bituminous coal refuse reprocessing surface mine, located in Monongahela Township, **Greene County**, affecting 10.9 acres. Receiving streams: unnamed tributaries to Monongahela River, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: Dunkard Valley

Water Authority and Masontown Water Works. Application received: November 14, 2016.

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

**Permit No. 54020101R3. Summit Anthracite, Inc.,** (196 Vista Road, Klingertown, PA 17941), renewal of an existing anthracite surface mine operation in Porter and Heginns Townships, **Schuylkill County** affecting 325.5

acres, receiving stream: Rausch Creek, classified for the following use: cold water fishes. Application received: November 4, 2016.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 66040803. Ernest C. Lynn,** (225 State Route 1002, Tunkhannock, PA 18657), Stage I & II bond release of a quarry operation in Tunkhannock Township, **Wyoming County** affecting 1.0 acre on property owned by Ernest C. Lynn. Application received: October 31, 2016.

**Permit No. 58090828. Ronald A. Sondesky,** (2616 Gage Road, Lawton, PA 18828), Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre on property owned by Ronald A. Sondesky. Application received: October 31, 2016.

**Permit No. 58040805. Patricia Peltz,** (1383 Wildenberg Road, Union Dale, PA 18470), Stage I & II bond release of a quarry operation in Clifford Township, **Susquehanna County** affecting 2.0 acres on property owned by Patricia Peltz. Application received: November 14, 2016.

**Permit No. 64020810. Star Pond, LLC,** (315 Old Route 10, Deposit, NY 13754), Stage I & II bond release of a quarry operation in Scott Township, **Wayne County** affecting 2.0 acres on property owned by Judith V. Fulmer and Christopher G. Fulmer. Application received: November 14, 2016.

**Permit No. 58010850. James J. Foltz,** (1353 Wright Road, Kingsley, PA 18826), Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre on property owned by Chad Hollenbeck. Application received: November 14, 2016.

**Permit No. 58980819. Harvey & Sharon Rosenkrans,** (19179 State Route 29, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Franklin Township, **Susquehanna County** affecting 3.0 acres on property owned by Harvey & Sharon Rosenkrans. Application received: November 14, 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:

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse



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

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

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

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0279439 (Mining Permit No. 32150102), Coal Loaders, Inc.**, 210 East Main Street, P.O. Box 556, Ligonier, PA 15658-0556, new NPDES permit for discharges resulting from surface coal mining in West Wheatfield Township, **Indiana County**, affecting 122.0 acres. Receiving streams: unnamed tributaries to/and Blacklick Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 19, 2016.

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

There are no proposed surface discharges from the facilities listed below due to the implementation of non-discharge alternatives.

The outfalls listed below will be using non-discharge alternatives:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond 1)	Y
002 (Treatment Pond 2)	Y
003 (Treatment Pond 3)	Y
004 (Sediment Pond 1)	Y
005 (Sediment Pond 2)	Y
006 (Sediment Pond 3)	Y
007 (Sediment Pond 4)	Y
008 (Sediment Trap 1)	Y

**NPDES No. PA0279421 (Mining Permit No. 32150101), Amerikohl Mining, Inc.,** 202 Sunset Avenue, Butler, PA 16001, new NPDES permit for discharge of water due to surface coal mining activities in West Wheatfield Township, **Indiana County**, affecting 50.5 acres. Receiving streams: unnamed tributary to/and Roaring Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 7, 2016.

The outfalls listed below discharge to unnamed tributary to/and Roaring Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond 1)	Y
002 (Treatment Pond 2)	Y
003 (Treatment Pond 3)	Y
004 (Sediment Pond 1)	Y
005 (Sediment Pond 2)	Y
006 (Sediment Pond 3)	Y

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

<i>Outfalls: 001, 002, &amp; 003 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	2.4	4.8	6.0
Manganese (mg/l)	1.6	3.2	4.0
Aluminum (mg/l)	1.2	2.4	3.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 004, 005, &amp; 006 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0249793 (Mining Permit No. 56050105), Svonavec, Inc.,** 2555 New Centerville Road, Rockwood, PA 15557, renewal of an NPDES permit for surface mining of coal in Milford Township, **Somerset County**, affecting 273.6 acres. Receiving streams: unnamed tributaries to South Glade Creek and unnamed tributaries to Middle Creek, classified for the following uses: warm water fishes and trout stocked fishes. This receiving stream is included in the Casselman River TMDL. Application received: March 28, 2016.

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

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

**NPDES No. PA0257028 (Mining permit no. 17080118), Waroquier Coal Company,** P.O. Box 128, 3056 Washington Avenue, Clearfield, PA 16830, renewal of an NPDES permit for a bituminous surface coal mining in Lawrence Township, **Clearfield County**, affecting 53.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River, classified for the following use(s): CWF. West Branch Susquehanna River TMDL. Application received: October 3, 2016.

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

The outfall(s) listed below discharge to Unnamed Tributary No. 1a to West Branch Susquehanna River:

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

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

<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>	<i>Parameter</i>
	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>	
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure		50 (milliosmoles/kg)		

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

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0223905 on Surface Mining Permit No. 52980301. E.R Linde Construction Corporation**, (9 Collan Park, Honesdale, PA 18431), renewal of an NPDES Permit for a sandstone quarry operation in Lackawaxen, **Pike County**, affecting 14.83 acres. Receiving stream: Little Blooming Grove Creek and Lackawaxen River, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: May 1, 2015.

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

The outfall listed below discharge to Little Blooming Grove Creek and Lackawaxen River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

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

**NPDES No. PA0612171 on Surface Mining No. 36820301. H & K Group, Inc.**, (P.O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for a sandstone quarry operation in Brecknock Township, **Lancaster County**, affecting 131.7 acres. Receiving Streams: unnamed tributary to Black Creek to Muddy Creek to Conestoga River, classified for the following uses: HQ—warm water fishes, migratory fishes. Application received: July 11, 2012.

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

The outfall(s) listed below discharge to Un-named Tributary to Black Creek

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
SHQ-001	No	Pit Sump/Sedimentation Pond

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0

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

**NPDES Permit No. PA0223344 on Surface Mining Permit No. 5975SM3. Eureka Stone Quarry, Inc.**, (PO Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for a sandstone quarry operation in Covington Township, **Lackawanna County**, affecting 118.8 acres. Receiving stream: Spring Brook, classified for the following uses: HQ—cold water and migratory Fishes. Application received: April 28, 2015.

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

The outfall listed below discharge to Spring Brook.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
002	No	Sedimentation Basin

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

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

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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### 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.

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E55-232. Lawrence V. Smith**, 43 Smithfield Lane, Freeburg, PA 17827. Smith Bridge Crossing, in Washington Township, **Snyder County**, ACOE Baltimore District (Latitude: 40°45'1.7"; Longitude: 76°57'37.22").

The applicant is applying for a Small Projects Joint Permit and proposes to construct a bridge crossing over Susquehecka Creek, Cold Water Fishery and Wild Trout

Waters. The bridge structure is intended to span from bank to bank and the abutments are shown to be beyond the top of bank. Minor fill will be placed for each approach. The intended span of the structure is 46 ft with a width of 12 ft and an underclearance of 7 feet. The intended plans do not show any instream disturbance. This project is located 1.4 mile west of Freeburg, in Washington Township, Snyder County.

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

**E10-505, PA Department of Transportation, District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701. S.R. 4017, Section 290, Segment 0010, Offset 0824 across Muddy Creek, in Muddy Creek Township and Worth Township, **Butler County**, ACOE Pittsburgh District (Portersville, PA Quadrangle N: 40°, 57', 47"; W: 80°, 07', 44").

The project includes construction of a new connector road, S.R. 4017, between westbound S.R. 0422 and North Shore Drive. A new loop ramp, S.R. 8002/Ramp L, from eastbound S.R. 4022 to West Park Road will be built to facilitate access to the North Shore of Moraine State Park. The new S.R. 4017 connector road will replace the deteriorating S.R. 8002/Ramp J access road and bridge over Muddy Creek in a new location. The existing single-span steel stringer/girder bridge will be removed and replaced with a new single-span concrete beam girder bridge with integral abutments. The purpose of the project is to facilitate access from S.R. 0422 and Interstate-79 to the North Shore facilities of Moraine State Park, and to improve response times for emergency service providers. The project includes the following activities:

1. To remove and replace the existing single-span steel stringer/girder bridge (span: 49.25-ft, width: 23.25-ft) with a single-span concrete girder bridge having a span of 143.00-ft and a width of 33.38-ft.
2. To permanently impact 50-ft of an unnamed tributary to Muddy Creek to accommodate the fill slopes around the abutment of the proposed bridge structure. This activity will result in a total loss of UNT-1. The applicant proposes stream mitigation along the banks of Muddy Creek to restore the existing riparian corridor. Additionally, the existing S.R. 8002/Ramp J connector road will be removed and the area surrounding Muddy Creek will be replanted with a native seed mix.
3. To permanently impact 0.004-acre of PEM wetland and temporarily impact 0.005-acre of PEM wetland. Permanent wetland impacts will occur as a result of the fill proposed to construct the new connector road, S.R. 4017.
4. To temporarily impact 187 linear feet of Muddy Creek to install stream diversion (sandbag diversion dam or concrete barriers) to facilitate construction of the proposed structure and demolition of the existing structure.

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16016	Shannon Chemical Corporation 311 Commerce Drive Exton, PA 19341 Attn: Daniel C. Flynn	Chester	West Whiteland Township	20 ASTs storing hazardous substances	117,000 gallons total

## ACTIONS

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

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

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221708 (Sewage)	Chicora Borough STP PO Box 35 110 Firehouse Cartway Chicora, PA 16025-0035	Butler County Chicora Borough	Buffalo Creek (18-F)	Yes
PA0001872 (Industrial)	Ardagh Glass PO Box 4200 1509 S Macedonia Avenue Muncie, IN 47307-4200	McKean County Port Allegany Borough	Lillibridge Creek and Allegheny River (16-C)	Yes
PA0041645 (Sewage)	PA DOT Rest Area L Bureau of Project Delivery PO Box 3060 Harrisburg, PA 17105-3060	Erie County Springfield Township	Unnamed Tributary to Turkey Creek (15-A)	Yes
PA0101826 (Sewage)	Woodland Meadows MHP 133 Plateau Street Renfrew, PA 16053	Butler County Connoquenessing Township	Unnamed Tributary to Little Connoquenessing Creek (20-C)	Yes

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

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

**NPDES Permit No. PA0253880**, Industrial, SIC Code 3532, **Morgantown Technical Services, Inc.**, 2608 Smithtown Road, Morgantown, WV 26508.

This existing facility is located in Perry Township, **Greene County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for existing discharges of storm water and groundwater.

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

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

**WQM Permit No. 2616401**, Sewage, SIC Code 7011, **Nemacolin Woodlands Inc.**, 1001 LaFayette Drive, Farmington, PA 15437-0188.

This proposed facility is located in Wharton Township, **Fayette County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a force main, sanitary sewers and a pump station to serve Phase A of the Nemacolin Woodlands Resort and Spa Master Plan.

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

**WQM Permit No. 1507407**, Sewage, Transfer, **William A. Sweigart & Kathleen Kubala**, 180 Beacon Light Road, Coatesville, PA 19320.

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

Description of Action/Activity: Permit transfer from Simmers Building Inc. to William A. Sweigart & Kathleen Kubala.

**WQM Permit No. 1509405**, Sewage, Transfer, **Melissa Richardson**, 177 Creamery Road, Coatesville, PA 19320.

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

Description of Action/Activity: Permit transfer from Mr. Bruce E. Shepard (deceased) c/o Mr. Martin Lockhart to Melissa Richardson.

**WQM Permit No. 1596414**, Sewage, Renewal, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite # 300, West Grove, PA 19390.

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

Description of Action/Activity: Approval for continued operation of a sewage treatment plant.

**WQM Permit No. 1595409**, Sewage, Renewal, **White Manor Country Club**, 831 Providence Road, Malvern, PA 19355.

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

Description of Action/Activity: Approval for continued operation of a White Manor CC WWTP.

**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>
PAI011516012	Planebrook Partners, LLC 2298 Horseshoe Pike Honey Brook, PA 19344	Chester	East Whiteland Township	Tributary to Valley Creek EV
PAI012316005	Everest EB5 Capital, LLC 2010 West Chester Pike No. 448 Havertown, PA 19083	Delaware	Ridley Township	Unnamed Tributary to Crum Creek WWF-MF

*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>
PAI024513001(6)	Kalahari Resorts, LLC 1305 Kalahari Drive P.O. Box 590 Wisconsin Dells, WI 53965	Monroe	Tobyhanna Township, Pocono Township	Swiftwater Creek (EV) Unnamed Tributaries to Swiftwater Creek (EV) Indian Run (EV) Unnamed Tributaries to Indian Run (EV)
	Pocono Manor Investors, PT-L1 P.O. Box 38 The Inn at Pocono Manor Pocono Manor, PA 18349			

*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>
PAI033616003	Landis Home Retirement Community 1001 East Oregon Road Lititz, PA 17543-9206	Lancaster	Manheim Township	UNT Conestoga River (WWF, MF)
PAI035015001	Legendary Land Acquisitions, LLC 1500 Sycamore Road Montoursville, PA 17754	Perry	Centre Township	UNT Trout Run (SWF, MF) UNT Little Juniata Creek (CWF, MF) EV Wetlands
PAI032814005	Fayetteville Contractors, Inc. 3185 Lincoln Way East Fayetteville, PA 17222	Franklin	Antrim Township	Muddy Run (HQ-CWF, MF)

**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>
Lower Southampton Bucks County	PAC090018	Gator Feasterville Partners LTD 1595 Northeast 163rd Street North Miami Beach, FL 33162-4717	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAG020000914002(1)	Delaware River Joint Toll Bridge Commission 110 Wood and Grove Streets Morrisville, PA 19167	Tributary to Buck Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG020000915068	Pine Run Community 777 Ferry Road Doylestown, PA 18901	Pine Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510004	Southwest Leadership Academy Charter School 7101 Paschall Avenue Philadelphia, PA 19142	Darby-Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511612	University of the Sciences in Philadelphia 600 South 43rd Street Philadelphia, PA 19104-4495	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511613	Drexel University 225 North 32nd Street Philadelphia, PA 19104	Lower Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<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>
City of Scranton Lackawanna County	PAC350003	The University of Scranton 445 Madison Avenue Scranton, PA 18510	Roaring Brook (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Pittston Township Luzerne County	PAG02004016015	Calamar, Inc. Jocelyn Bos 3949 Forest Parkway Suite 1100 Wheatfield, NY 14120	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Palmer Township Northampton County	PAC480004	Oieni Construction 601 Stones Crossing Road Easton, PA 18045	Schoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971



## NOTICES

7571

*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>
Spring Twp, Centre Cnty	PAC140003	Graymont(PA) Inc 194 Match Factory Place Bellefonte, PA 16823	Logan Branch (via sinkhole-groundwater source)—CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Lewis Twp, Northumberland Cnty	PAC490004 Formerly: PAG02004916009	Turbotville Landscape & Supply Attn: Ryan Ossont 4800 SR 54 Turbotville, PA 17772	UNT Warrior Run— WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Rockefeller Twp, Northumberland Cnty	PAC490005 Formerly: PAG02004916010	Little Shamokin Creek Watershed Association Attn: Robert J. Herman, Pres. 139 St. Lukes Road Sunbury, PA 17801	Little Shamokin Creek—CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

*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>
Richland Township	PAC110001	Martin Baker America, Inc. 169 Jari Drive Johnstown, PA 15904	Sandy Run (CWF); UNT to South Fork of Little Conemaugh River (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Hempfield Township	PAC650001	Blue Marlin Development, LLC 424 Sager Road Smithton, PA 15479	Jacks Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAC650003	James Zack 78 Raven Drive Greensburg, PA 15601	Tinkers Run (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township	PAG02006515013(1)	Alcoa Technical Center 100 Technical Center Alcoa Center, PA 15069	Pine Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAG02006516006	Hempfield Land Development Company 4540 Route 136 Suite 1 Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township	PAG02006516009	SFG2 Group, LLC 3819 Old William Penn Highway Murrysville, PA 15668	Turtle Creek (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township	PAG02006516016	UMH Properties, Inc. 150 Clay Street Suite 450 Morgantown, WV 26501	Buffalo Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

<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>
New Stanton Borough	PAG02006516028	Stanton Hospitality, LLC 6 Landings Drive Pittsburgh, PA 15238	UNT to Sewickley Creek (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
South Huntingdon Township	PAG02006516022	OL Ventures, LLP 21 Tyrol Extension Monessen, PA 15064	Jacobs Creek (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Derry Township	PAG02006516029	Peoples TWP, LLC 205 North Main Street Butler, PA 16001	McGee Run (TSF); Trout Run (CWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
City of Jeannette	PAG02006516035	Westmoreland County Industrial Development Corporation 40 North Pennsylvania Avenue Greensburg, PA 15601	Brush Creek (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Jackson Township Butler County	PAG02001014009(1)	Creative Real Estate Development Co 216 Executive Drive Suite 300 Cranberry Township, PA 16066	UNT Glade Run WWF	Butler County Conservation District 724-284-5270
Summit Township Erie County	PAG02002515009(1)	PLP, VI 2500 Palermo Drive Erie, PA 16506	UNT Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
City of Erie Erie County	PAG02002516024	McDonald's USA LLC Attn: Chuck Peperak 1000 Omega Drive Suite 1390 Pittsburgh, PA 15202	Presque Isle Bay, WWF	Erie County Conservation District 814-825-6403
City of Erie Erie County	PAG02002516017(1)	Erie Water Works 240 West 12th Street Erie, PA 16501	Mill Creek CWF; MF	Erie County Conservation District 814-825-6403
Wesleyville Borough Erie County	PAG02002516013	Willow Commons LP 229 Huber villate Road Suite 100 Westerville, OH 43081	UNT Four Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAC250004	Erie Downs LLC Attn: Greg Hurley 300 Pisgah Road Eads, TN 38028	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Pine Creek Township Jefferson County	PAC330001	Winner Global LLC 32 West State Street Sharon, PA 16146	Mill Creek CWF; UNT Mill Creek CWF	Jefferson County Conservation District 814-849-7463
City of New Castle Lawrence County	PAG02003716004	Speedway LLC Attn: Mr. Brian LaFreniere 208 North Jefferson St New Castle, PA 16101	Shenango River WWF	Lawrence County Conservation District 724-652-4512
Port Allegheny Borough McKean County	PAC420003	Wargo Enterprises Inc 5055 Havens Road Akron, NY 14001	Allegheny River CWF	McKean County Conservation District 814-887-4001

NOTICES

7573

<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>
Coolspring Township Jackson Township Mercer County	PAC430001	Lake Latonka Property Owners Association (LLPOA) 420 Latonka Drive Mercer, PA 16137	Coolspring Creek TSF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-3*

<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>
South Coatesville Boro Chester County	PAR230069 A-1	Airgas USA, LLC 9811 Katy Freeway Suite 100 Houston, TX 77024-1274	Unnamed Tributary to West Branch Brandywine Creek 3-H	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Trainer Boro Delaware County	PAG030043	Consolidated Rail Corp 1000 Howard Blvd Suite 466 Mt. Laurel, NJ 08054	Stoney Creek 3-G	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Trainer Boro Delaware County	PAG030044	Consolidated Rail Corp 1000 Howard Blvd Suite 466 Mt. Laurel, NJ 08054	Delaware River 3-J	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
North Manheim Township Schuylkill County	PAR602235	Weiner Iron & Metal Corp. P.O. Box 359, 1056 Route 61 South Pottsville, PA 17901	Schuylkill River— 3-A CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
South Huntingdon Township Westmoreland County	PAR606170	Maroney's Foreign Cars & Parts 1304 State Route 981 Smithton, PA 15479	Unnamed Tributary of Barren Run—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Midland Borough Beaver County	PAR206133	Whemco Steel Castings Inc. 1 12th Street Midland, PA 15059	Ohio River and Unnamed Tributary to Ohio River—20-B and 20-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lebanon County/ North Annville Township	PAG08	Amerigreen, Inc. 96 Commerce Drive PO Box 170 Wyomissing, PA 19610	Lynn Steupher Farm Lebanon County/ North Annville Township	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-12***CAFO Notice of Lifting of Suspension and Authorization to Operate Under NPDES Permit PAG126101**

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

**NPDES Permit No. PAG126101, CAFO, Keith & Denise Leydig, 594 Cumberland Highway, Berlin, PA 15530.**

This proposed facility is located in Brothersvalley Township, **Somerset County**.

The Department issued NPDES permit PAG126101 to Keith and Denise Leydig on August 12, 2016 without first publishing notice in the *Pennsylvania Bulletin* that the Department had received a Notice of Intent (NOI) seeking coverage under the Department's PAG-12 NPDES general permit for Concentrated Animal Feeding Operations (CAFOs) regarding the above-referenced project. The Department received the NOI on May 20, 2016 and published notice of issuance of PAG126101 in the *Pennsylvania Bulletin* on August 27, 2016. Accordingly, the Department suspended coverage and authorization to operate under PAG126101 by Administrative Order dated September 6, 2016. Notice in the *Pennsylvania Bulletin* published on September 24, 2016 provided that comments were sought on the NOI requested coverage under PAG-12 for a thirty day time period. The Department received no comments during that time period. Accordingly, the Department reinstated coverage and authorization to operate under PAG126101 by letter dated October 28, 2016.

Description of size and scope of proposed operation/activity: The applicants propose to construct a barn for 4,800 head swine with an underhouse deep pit for manure storage (81.5' x 501' x 5') having a capacity of 1,744,680 gallons with 6" freeboard and provide storage for approximately 288 days. No in-field sacking of manure planned for this operation. Mortalities will be composted in a proposed roofed mortality composting building adjacent to the swine finishing barn. Layer manure will be imported onto the operation for both land applications and mortality composting. A Nutrient Management Plan (NMP) was approved by the Somerset County Conservation District on May 4, 2016. An E & S Control Plan was approved by the Somerset County Conservation District on June 15, 2016. A Preparedness, Prevention and Contingency Plan (PPCP) was also submitted to the Department along with the NOI. Total acres available for nutrient application under operator's control as reported in the NMP are 456.5 acres, of which 112.9 acres owned and 343.6 acres rented by the owner. The manure is applied to various farm lands during fall and spring. According to NMP, estimated total manure produced will be 1,744,680 gallons/year.

The receiving stream, Swamp Creek, is in watershed 19-F and classified for: Cold Water Fishes.

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

**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. 0916515, Minor Amendment.** Public Water Supply.

Applicant	<b>Trumbauersville Municipal Waterworks</b> 1 Evergreen Drive P.O. Box 100 Trumbauersville, PA 18970
Borough	Trumbauersville
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Cowan Associates, Inc. 120 Penn-Am Drive P.O. Box 949 Quakertown, PA 18951
Permit to Construct Issued	November 15, 2016

**Permit No. 0916519, Public Water Supply.**

Applicant	<b>Upper Southampton Municipal Authority</b> 945 Street Road P.O. Box 481 Upper Southampton, PA 18966
Township	Upper Southampton

County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Pennoni Associates, Inc.  
 62 Rockford Road  
 Suite 201  
 Wilmington, DE 19806  
 Permit to Construct November 14, 2016  
 Issued

**Operations Permit # 2316504** issued to: **Chester Water Authority**, 415 Welsh Street, P.O. Box 457, Chester, PA 19013, [(PWSID)] Concord Township, **Delaware County** on November 10, 2016 for the operation of the Brinton Lake Tank following rehabilitation and installation of mixing facilities approved under construction permit # 2316504.

**Operations Permit # 4616508** issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] Upper Providence Township, **Montgomery County** on November 14, 2016 for the operation of Black Rock Tank 1 following repainting facilities approved under construction permit # 4616508.

**Operations Permit # 4616516** issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] Upper Providence Township, **Montgomery County** on November 8, 2016 for the operation of Pennsylvania American Water Company Black Rock Road Booster Station Upgrades facilities approved under construction permit # 4616516.

**Operations Permit # 4616518** issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] Upper Providence Township, **Montgomery County** on November 14, 2016 for the operation of a Gridbee Submersible Mixer at the Black Rock Tank 1 facilities approved under construction permit # 4616518.

**Operations Permit # 0914522** issued to: **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974, [(PWSID)] Warminster Township, **Bucks County** on November 15, 2016 for the operation of Granular Activated Carbon Filters at Well No. 10 facilities approved under construction permit # 0914522.

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

**Permit No. 4516505**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Borough or Township] Polk Township  
 County **Monroe**  
 Type of Facility PWS  
 Consulting Engineer Mr. Jonathan Morris, PE  
 GHD, Inc.  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17110  
 Permit to Construct 11/02/2016  
 Issued

**Permit No. 2409003**, Operation Permit, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 (Crystal Lake Water System)  
 800 West Hershey Park Drive  
 Hershey, PA 17033  
 Municipality Bear Creek & Fairview Townships  
 County **Luzerne**  
 Type of Facility PWS  
 Consulting Engineer N/A  
 Permit to Operate November 17, 2016  
 Issued

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

**Comprehensive Operation Permit No. 7220049** issued to: **Capital Region Water (PWS ID No. 7220049)**, Susquehanna Township, **Dauphin County** on 11/16/2016 for the operation of facilities approved under Construction Permit No. 2211501 MA.

**Operation Permit No. 3615513** issued to: **Esbenshade Inc. (PWS ID No. 7360988)**, Rapho Township, **Lancaster County** on 11/16/2016 for facilities approved under Construction Permit No. 3615513.

**Comprehensive Operation Permit No. 7670345** issued to: **James A Danner VFW Post 537 (PWS ID No. 7670345)**, Newberry Township, **York County** on 11/16/2016 for the operation of facilities approved under Construction Permit No. 6715517.

**Operation Permit No. 3616507** issued to: **Villas at Georgetown HOA, Inc (PWS ID No. 7360184)**, Bart Township, **Lancaster County** on 11/10/2016 for facilities at Villas at Georgetown approved under Construction Permit No. 3616507.

**Operation Permit No. 3616508 MA** issued to: **Borough of Lititz (PWS ID No. 7360126)**, Lititz Borough, **Lancaster County** on 11/10/2016 for facilities approved under Construction Permit No. 3616508 MA.

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

**Operations Permit** issued to: **Wilkesburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, (PWSID # 5020056) Penn Hills Township, **Allegheny County** on November 10, 2016 for the operation of facilities approved under Construction Permit # 0216504MA.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID # 5300017) Washington Township, **Greene County** on November 10, 2016 for the operation of facilities approved under Construction Permit # 3013501WMP3.

**Operations Permit** issued to: **Municipal Authority of the Borough of Derry**, 620 Chestnut Street, Derry, PA 15627, (PWSID # 5650049) Derry Borough, **Westmoreland County** on November 10, 2016 for the operation of facilities approved under Construction Permit # 6515501.

**Operations Permit** issued to: **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID # 5020038) City

of Pittsburgh, **Allegheny County** on November 10, 2016 for the operation of facilities approved under Construction Permit # 0216533MA.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

*Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

*Plan Location:* Single Residence Small Flow Treatment Facility at 3945 Sardis Road, Pittsburgh, PA 15239.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Plum Township	4575 New Texas Road Pittsburgh, PA 15239	Allegheny

*Plan Description:* The approved plan provides for the installation of a Wastewater Treatment Plant to be located at 3945 Sardis Road, Plum Township, Allegheny County. The facility is intended to treat 400 gallons per day of sanitary waste from a single residence. The proposed discharge is to an unnamed tributary of Plum Creek designated under Chapter 93 for Warm Water Fishes. This approval was granted in part based on the Department's Water Quality Antidegradation Implementation Guidance policy. The approved sewage facility plan, evaluated all non-discharge alternatives and determined no environmentally sound and cost effective non-discharge alternative is available under subsection (b)(1)(i)(A).

The Department's review of the sewage facility plan has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of Albert & Brittany Daisley.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Decatur Township	Decatur Township Supervisors 575 Fairview Road Osceola Mills, PA 16666	Clearfield

*Plan Description:* The approved plan provides for construction of approximately 12,300 feet of gravity sewers to collect sewage from 58 existing EDU's, conveying it to a new pump station to be constructed along the east side of Crago Lane. This pump station will convey the sewage through approximately 4,800 feet of force main to existing manhole G38 along Keystone Hill Road, where it will flow through the existing sewerage system to the Moshannon Valley Joint Sewer Authority's sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## 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:

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

**Simon Silk Mill and Moon Property**, 671 North 13th Street and 1250 Bushkill Drive, Easton City, **Northampton County**. Moonstone environmental, LLC, 1150 Glenlivet Drive, Suite A23, Allentown, PA 18106, on behalf of Redevelopment Auth. of Easton, PA, 1 South Third Street, 4th Floor, Easton, PA 18042, submitted a Site-Specific Final Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, PCBs, and heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**M. Joseph Reese Farm**, 13222 South Road, Shippenburg, PA 17257, Lurgan Township, **Franklin**

**County.** United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of Lurgan Township, 8650 McClays Mill Road, Newburg, PA 17240, and M. Joseph and Marlene F. Reese, 13222 South Road, Shippenburg, PA 17257 submitted a Final Report concerning remediation of site soil contaminated with hydraulic fluid and used motor oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Brian & Janette Parsons Residence**, 14369 Dickeys Road, Mercersburg, PA 17236, Peters Township, **Franklin County.** Triad Engineering, Inc., 1075D Sherman Avenue, Hagerstown, MD 21472, on behalf of Brian & Janette Parsons, 14369 Dickeys Road, Mercersburg, PA 17236, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Miller Center for Recreation and Wellness Property**, East Buffalo Township, **Union County.** Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Miller Center for Recreation and Wellness, 1000 Buffalo Road, Lewisburg, PA 17837, has submitted a Combined Act 2 Remedial Investigation Report & Cleanup Plan concerning remediation of site soil contaminated with Arsenic. The combined Remedial Investigative Report and Cleanup Plan is intended to document remediation of the site to meet the Site Specific Standard.

**Former CVS Property** 505 North Derr Drive, Borough of Lewisburg, **Union County.** Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Shannon Investments, LP, c/o Derr, Pursel, Luschas & Naparsteck, LLP, 120 W. Main St., Bloomsburg, PA 17815, has submitted a Final Report concerning remediation of soil contaminated with Diesel Fuel and Fuel Oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Amphenol Thermometrics, Inc.**, 967 Windfall Road, St. Marys, **Elk County.** MWH Americas, Inc., 200 Lindenwood Drive, Suite 100, Malvern, PA 19355, on behalf of General Electric 640 Freedom Business Center, King of Prussia, PA 19406, submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with trichloroethene, 1,1-dichloroethene, 1,1,1-trichloroethane and site groundwater contaminated with trichloroethene and 1,1-dichloroethene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Stan-

dards 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:

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

**Martin Horn Residence**, 62 Hunterstown Hampton Road, Gettysburg, PA 17325, Straban Township, **Adams County.** Taylor Geoservices Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Martin Horn, 62 Hunterstown Road, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 9, 2016.

**Fruitville Business Park**, 1570 Fruitville Pike, Lancaster, PA 17602, Lancaster City, **Lancaster County.** Liberty Environmental, 50 N. 5th Street, 5th Floor, Reading, PA 19601, on behalf of 1570 Fruitville Pike, LP, 2450 Marietta Avenue, Lancaster, PA 17601, and Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a

Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics and SVOCs. The combined report was administratively incomplete, and was disapproved by the Department on November 15, 2016.

#### 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.*

#### *Renewal Applications Received*

**Ryan Environmental Transport, LLC**, 5793 West Veterans Memorial Highway, Bridgeport, WV 26330. License No. PA-AH 0815. Effective Oct 31, 2016.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit denied Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 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.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone, 412-442-4000.*

**General Permit Application No. WMGR111SW001. Champion Processing, Inc.**, P.O. Box 1073, Coraopolis, PA 15108. The General Permit for beneficial use of stabilized FGD-gypsum material for mine reclamation at active or abandoned mine sites at the Champion Coal Refuse Disposal Site in Robinson Township, **Washington County** was denied in the Regional Office on November 17, 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.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP3-35-012B: Popple Construction Inc.** (215 E. Saylor Avenue, Laflin, PA 18702) on November 7, 2016 for the construction and operation of a Portable Crushing Operation with watersprays at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

**GP11-35-012B: Popple Construction Inc.** (215 E. Saylor Avenue, Laflin, PA 18702) on November 7, 2016 for the installation and operation of Diesel I/C engines at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

**GP3-54-003: Summit Anthracite Inc.** (196 Vista Road, Klingerstown, PA 17941) on November 1, 2016 for the installation and operation of a portable crushing operation at the site located at Feather Stone Quarry in Porter Twp., **Schuylkill County**.

**GP9-54-003: Summit Anthracite Inc.** (196 Vista Road, Klingerstown, PA 17941) on November 1, 2016 for the installation and operation of IC Engines at the site located at Feather Stone Quarry in Porter Twp., **Schuylkill County**.

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

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

**GP5-14-02C: NCL Natural Resources, LLC** (25231 Grogan Mill Road, Suite 500, The Woodlands, TX 77380) on November 9, 2016, for authorization for continued operation of one (1) 365 bhp Caterpillar model G3412NA four-stroke rich-burn compressor engine (RB001) equipped with a Maxim Silencer model EAC4-29-8 non-selective catalytic reduction (“NSCR”) unit and one (1) 425 bhp Caterpillar model G3408 CLE four-stroke lean-burn compressor engine (RB002) pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compressor and/or Processing Facilities (BAQ-GPA/GP-5) at the Red Buck Compressor Station located in Snow Shoe Township, **Centre County**.

**GP3-59-245: DeCristo, Inc.** (9070 Route 414, Canton, PA 17724) for authorization to relocate one (1) Terex Pegson XA400S crusher, one (1) Terex Pegson 1000 Maxtrak crusher, one (1) Terex Finlay C-1550P crusher, one (1) Powerscreen Chieftain 2100 screener, one (1) Powerscreen Chieftain 1800 screener, one (1) Terex Finlay 694+ screener and three (3) Telestacker TC421 conveyor-stackers with associated water spray dust suppression systems pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) to their Armenia Mountain Quarry located in Sullivan Township, **Tioga County**.

**GP3-59-245: DeCristo, Inc.** (9070 Route 414, Canton, PA 17724) for authorization to relocate one (1) 300 bhp Caterpillar C-9 diesel-fired engine, one (1) 345 bhp Scania DC9 diesel-fired engine, one (1) 540 bhp Caterpillar C15 diesel-fired engine, one (1) 129.4 bhp Caterpillar C4.4 diesel-fired engine, and one (1) 131.4 bhp Caterpillar C4.4 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) to power portable non-metallic mineral processing plants at their Armenia Mountain Quarry located in Sullivan Township, **Tioga County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**08-00050B: Eureka Resources, LLC** (451 Pine Street, Williamsport, PA 17701) for the modification of the existing wastewater treatment process, including the salt extraction process, MBR/RO/IX process, and various stor-



age tanks and silos, at the Standing Stone Facility located in Standing Stone Township, **Bradford County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**43-270J: CCL Container, Advanced Monobloc Aerosol Division** (1 Llodio Drive, Hermitage PA 16148) on November 9, 2016, effective November 30, 2016, will issue a plan approval extension to continue re-routing exhaust lines to existing and approved manufacturing line to one of three existing and approved oxidizers. This will expire on May 31, 2017. This is a Title V facility.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00040: National Label Co., Inc.** (2025 Joshua Rd, Lafayette Hill, PA 19444) on November 17, 2016 for the renewal for a printing and coating operation as well as the incorporation of Plan Approvals 46-0040B and 46-0040C at the facility located in Whitemarsh Township, **Montgomery County**.

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

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**65-00706: Jeannette Specialty Glass (JSG)/ Jeannette Shade and Novelty Co** (215 North Fourth Street, Jeannette, PA 15644) on November 14, 2016, the Department issued a State Only Operating Permit renewal for the manufacturing of pressed and blown glass facility located in Jeannette, **Westmoreland County**.

**26-004520: NobelClad, A DMC Company** (1138 Industrial Park Drive, Mt. Braddock, PA 15465) On November 7, 2016, for a facility-wide Natural Minor Operating Permit renewal for the operation of a metals cladding facility, known as the Mt. Braddock Facility, located in Dunbar Borough, **Fayette County**.

The plant contains a heat treating furnace (13.5 MMBtu/hr), plasma cutting machine, and sandblasting equipment. Air pollution prevention equipment at the facility consists of a cartridge filter dust collector. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions

of the SOOP have been derived from the applicable requirements of 40 CFR Part 63 and 25 Pa. Code, Article III, Chapters 121—145.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.*

**N14-023: Delavau, LLC** (10101 Roosevelt Boulevard, Philadelphia, PA 19154-2105) for the operation of a pharmaceutical products manufacturing facility the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include two (2) boilers less than 10 MMBtu/hr firing natural gas, two (2) 1 MMBtu/hr ovens firing natural gas, two (2) 2 MMBtu/hr ovens firing natural gas, 4 dust collectors, and three baghouses.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S16-000: University of the Sciences in Philadelphia** (600 South 43rd Street, Philadelphia, PA 19104), for the operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers each 15 MMBTU/hr burning No. 2 or natural gas, one (1) boiler 5 MMBTU/hr burning No. 2 or natural gas, two (2) boilers 8.29 MMBTU/hr burning natural gas, thirty-five (35) combustion units burning natural gas each rated 3 MMBTU/hr or less, one (1) boiler 0.80 MMBTU/hr burning No. 2 fuel oil, six (6) emergency generators burning No. 2 fuel oil each 450 kilowatts or less, and one (1) particulate source with mills, tablet presses, and extruders.

**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.**

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

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

**46-00024: Johnson & Johnson Consumer, Inc.** (7050 Camp Hill Road, Fort Washington, PA 19034) On November 9, 2016 for the incorporating of plan approval 46-0024G as well as other administrative changes to the operating permit. The existing pharmaceutical plant is located in Whitemarsh Township, **Montgomery County**.

**09-00009: Quad/Graphics Marketing, LLC** (4731 County Line Road, Chalfont, PA 18914-1825) On November 9, 2016 to incorporate the requirements of a plan approval 09-0009G into the operating permit for a facility located in New Britain Township, **Montgomery County**.

**15-00148: Helicopter Support Inc. dba Sikorsky Commercial Inc.** (110 E. Stewart Huston Dr., Coates-

ville, PA 19320) On November 9, 2016 issued an amended Operating Permit for a change of responsible official. This facility is located in Sadsbury Township, **Chester County**.

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

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

**49-00007: Cherokee Pharmaceuticals** (100 Avenue C, P.O. Box 367, Riverside, PA 17868) on November 14, 2016, for their pharmaceutical manufacturing facility in Riverside Borough, **Northumberland County**. The minor operating permit modification included conditions to incorporate the presumptive RACT requirements pursuant to 25 Pa. Code § 129.97. Minor modification of Title V operating permit No. 49-00007 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

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

**10-00288: Evergreen Metallurgical Butler Facility** (679 East Butler Road, Butler, PA 16002-9127) on November 14, 2016 the Department issued an administrative amendment to the State Only Operating Permit for the facility located in Summit Township, **Butler County**. The amendment incorporates the change of ownership from the former owner (Bear Metallurgical).

**10-00335: Penn United Tech Carbide Group** (795 North Pike Road, Cabot, PA 16023-2223) on November 10, 2016 issued an administrative amendment to the State Operating Permit for the facility located in Jefferson Township, **Butler County**. The amendment incorporates the requirements of plan approval 10-335C.

**61-00198: Handsome Lake Energy LLC** (1 Industrial Highway, Eddystone, PA 19022-1524). On November 8, 2016 issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of plan approval 61-198B. The facility is located in Rockland Township, **Venango County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### Coal Permits Issued

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

**Permit No. 56900109 and NPDES No. PA0598887. PBS Coals, Inc.**, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 48.2 acres. Receiving stream: Wells Creek classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: August 5, 2016. Permit Issued: November 10, 2016.

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

**65-15-04 and NPDES Permit No. PA0278173. David L. Patterson, Jr.** (12 Short Cut Road, Smithfield, PA 15478). Permit issued for commencement, operation and restoration of a Government Financed Construction Contract to reclaim abandon mine lands, located in Salem Township, **Westmoreland County**, affecting 60.2 acres. Receiving streams: unnamed tributaries to Beaver Run Reservoir. Application received: November 24, 2015. Permit issued: November 15, 2016.

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

**Permit No. 40900204R5. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township and City of Nanticoke, **Luzerne County** affecting 80.0 acres, receiving stream: Newport Creek. Application received: August 23, 2016. Renewal issued: November 10, 2016.

**Permit No. PAM111057R, Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40900204 in Newport Township and City of Nanticoke, **Luzerne County**, receiving stream: Newport Creek. Application received: August 23, 2016. Renewal issued: November 10, 2016.

**Permit No. 54851325R6. B & B Anthracite Coal Company**, (59 Main Street, Joliet, PA 17981), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.7 acres, receiving stream: Lorberry Creek. Application received: February 4, 2016. Renewal issued: November 15, 2016.

**Permit No. PAM116034, B & B Anthracite Coal Company**, (59 Main Street, Joliet, PA 17981), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54851325 in Tremont Township, **Schuylkill County**, receiving stream: Lorberry Creek. Application received: February 4, 2016. Renewal issued: November 15, 2016.

### Noncoal Permits Issued

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

**Permit No. 34162801, National Quarries, LLC**, P.O. Box 469 Gladwyne, PA 19035 commencement, operation and restoration of a small noncoal (industrial minerals) operation located in Milford Township, **Juniata County**, affecting 5.0 acres. Receiving streams: unnamed tributary to/and Juniata River classified for the following use: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Mifflintown Municipal Authority. Application received: March 30, 2016.

**PAM 416006—GP104, National Quarries, LLC, P.O.** Box 469 Gladwyne, PA 19035. General NPDES Permit for stormwater discharges associated with mining activities on Small Industrial Minerals Number 34162801 located in Milford Township, **Juniata County**. Receiving streams: unnamed tributary to/and Juniata River classified for the following use: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Mifflintown Municipal Authority. Notice of Intent for Coverage received: March 30, 2016. Permit Issued: November 10, 2016.

**Permit No. 34162802, National Quarries, LLC, P.O.** Box 469 Gladwyne, PA 19035 commencement, operation and restoration of a small noncoal (industrial minerals) operation located in Milford Township, **Juniata County**, affecting 5.0 acres. Receiving streams: unnamed tributary to Juniata River classified for the following use: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Mifflintown Municipal Authority. Application received: March 30, 2016. Permit Issued: November 10, 2016.

**PAM 416007—GP104, National Quarries, LLC, P.O.** Box 469 Gladwyne, PA 19035. General NPDES Permit for stormwater discharges associated with mining activities on Small Industrial Minerals Number 34162802 located in Milford Township, **Juniata County**. Receiving streams: unnamed tributary to/and Juniata River classified for the following use: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Mifflintown Municipal Authority. Notice of Intent for Coverage received: March 30, 2016. Permit Issued: November 10, 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. 23164104. Brubacher Excavating, Inc.,** (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Promenade at Granite Run in Middletown Township, **Delaware County** with an expiration date of November 7, 2017. Permit issued: November 10, 2016.

**Permit No. 36164170. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Pitney Road Apartments in East Lampeter Township, **Lancaster County** with an expiration date of November 7, 2017. Permit issued: November 10, 2016.

**Permit No. 38164117. Abel Construction Co., Inc.,** (PO Box 476, Mountville, PA 17554), construction blasting for Windermere Phase II in South Londonderry Township, **Lebanon County** with an expiration date of November 7, 2017. Permit issued: November 10, 2016.

**Permit No. 38164118. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Israel Esh manure pit in South Lebanon Township, **Lebanon County** with an expiration date of December 20, 2016. Permit issued: November 10, 2016.

**Permit No. 15164113. Brubacher Excavating, Inc.,** (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Paoli Walk in Willistown Township, **Chester County** with an expiration date of November 9, 2017. Permit issued: November 15, 2016.

**Permit No. 22164109. J Roy's, Inc.,** (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Venice Subdivision in South Hanover Township, **Dauphin County** with an expiration date of September 27, 2017. Permit issued: November 15, 2016.

**Permit No. 45164110. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Evergreen Estates in Coolbaugh Township, **Monroe County** with an expiration date of October 10, 2017. Permit issued: November 15, 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**

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

**E45-331 Reopen. Blue Ridge Peat Farm, Inc.,** R. R. 1, Box 292A, White Haven, PA 18661-9674. Barrett Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To operate and maintain a continued peat harvesting operation in approximately 21.6 acres of wetlands. This permit is a re-issuance of Permit No. E45-331 which expired prior to completion of the project. The permittee is required to provide 21.6 acres of replacement wetlands. The project is located on the south side of S.R. 1008, approximately 0.5 mile east of the intersection of S.R. 0191 and S.R. 1008 (Buck Hill Falls, PA Quadrangle Latitude: 41°9'9"; Longitude: -75°16'22"). Subbasin: 1E.

**E58-313, Tennessee Gas Pipeline Company, L.L.C.,** 1001 Louisiana Street, Suite 1000, Houston, TX 77002. Triad Expansion "300-3 Loop" Project, in Clifford and Lenox Township, Susquehanna County, ACOE Baltimore District. The proposed project starts approximately 1.1

mile east of the Brooklyn/Lenox Turnpike and Forest Street intersection (Lenoxville, PA Quadrangle Latitude: 41° 42' 48.80"; Longitude: -75° 43' 31.29") and ends approximately 0.10 mile north of the State Route 374 and Tennessee Gas Road intersection (Clifford, PA Quadrangle Latitude: 41° 42' 42.10"; Longitude: -75° 35' 56.7") in Clifford and Lenox Townships, **Susquehanna County**. Subbasin: 4F.

To construct and maintain the following water obstructions and encroachments (attached tables) associated with the Triad Expansion "300-3 Loop" Project which consists of the installation of approximately 7 miles of 36-inch diameter pipe pipeline and appurtenant structures. The proposed project impacts include a total of approximately 730 linear feet of temporary stream impacts, a total of 596 linear feet linear feet of permanent stream impacts, 0.10 acre of temporary lacustrine impacts, 0.09 acre of permanent lacustrine impacts, 2.78 acres of temporary floodway impacts, 2.54 acres of permanent floodway impacts, 0.78 acre of temporary impacts to PEM, PSS and PFO wetland(s) and 1.31 acre of permanent impacts to PEM, PSS and PFO wetland(s).

Stream Impact Table																
Impact Number	Identification		Location				Stream Impacts				Floodway Impacts		Crossing Information			
	Stream Identification	Stream Name	Chapter 93 Designated Use	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Crossing Length (feet)	Permanent Crossing Length (feet)	Temporary Impact Area (acres)	Permanent Impact Area (acres)	Temporary Impact (acres)	Permanent Impact (acres)	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	
1	K-1Sa	UNT to Tower Branch	CWF, MF	41° 42' 43.54"	-75° 42' 42.97"	Lenox	Lenoxville	0	0	0.000	0.000	0.098	0.319	Gas	II	WT
2	K-1Sc	Tower Branch	CWF, MF	41° 42' 43.75"	-75° 42' 35.99"	Lenox	Lenoxville	43	51	0.019	0.020	0.130	0.131	Gas, TBC	I	WT
3	K-1Sf	UNT to Tower Branch	CWF, MF	41° 42' 43.75"	-75° 42' 35.99"	Lenox	Lenoxville	30	0	0.000	0.007	0.110	0.108	Gas, TBC	I	WT
4	N-1S	Partners Creek	CWF, MF	41° 42' 43.92"	-75° 42' 02.15"	Lenox	Lenoxville	81	57	0.029	0.047	0.220	0.151	Gas, TBC	I	-
5	X-1S	Sterling Brook Creek	CWF, MF	41° 42' 44.99"	-75° 41' 29.40"	Lenox	Lenoxville	85	59	0.031	0.044	0.230	0.149	Gas, TBC	I	-
6	V-1S	Nine Partners Creek	CWF, MF	41° 42' 43.55"	-75° 40' 17.39"	Lenox	Lenoxville	75	50	0.088	0.145	0.292	0.173	Gas, TBC	I	ST
7	U-1S	Tunkhannock Creek	CWF, MF	41° 42' 48.60"	-75° 40' 7.32"	Lenox	Lenoxville	94	52	0.151	0.241	0.382	0.228	Gas, TBC	I	ST
8	T-1Sb	UNT to Tunkhannock Creek	CWF, MF	41° 42' 58.32"	-75° 39' 31.67"	Lenox	Lenoxville	77	53	0.032	0.051	0.229	0.141	Gas, TBC	I	ST
9	T-1Sa	UNT to Tunkhannock Creek	CWF, MF	41° 42' 58.32"	-75° 39' 31.67"	Lenox	Lenoxville	79	53	0.024	0.038	0.214	0.135	Gas, TBC	I	ST
10	S-1S	UNT to Tunkhannock Creek	CWF, MF	41° 42' 58.32"	-75° 39' 23.39"	Lenox	Lenoxville	20	43	0.002	0.008	0.127	0.125	Gas	I	ST
11	H-1S	UNT to Tunkhannock Creek	CWF, MF	41° 42' 41.40"	-75° 38' 16.07"	Lenox	Lenoxville	27	56	0.044	0.111	0.144	0.203	Gas, TBC	I	-
12	E-1S	UNT to Lake Idlewild	CWF, MF	41° 42' 54.35"	-75° 36' 28.07"	Clifford	Clifford	82	60	0.025	0.037	0.228	0.155	Gas, TBC	I	WT
13	C-1S	UNT to Lake Idlewild	CWF, MF	41° 42' 53.64"	-75° 36' 5.04"	Clifford	Clifford	37	62	0.007	0.020	0.094	0.159	Gas, TBC	I	WT
							Totals	730	596	0.45	0.77	2.50	2.18			

<sup>a</sup> Gas = gas pipeline crossing or floodway impacts, TBC = temporary bridge crossing

<sup>b</sup> I = Dry Crossing Method includes Dam & Flume, Dam & Pump, Cofferdam, or Dry Open Cut for waterbodies dry when crossing, II = floodway impacts only

<sup>c</sup> PAFBC Designations: ST = Stocked Trout; WT = Wild Trout

Lacustrine Impact Table														
Identification			Location			Lacustrine Impacts				Crossing Information				
Impact Number	Stream Identification	Stream Name	Chapter 93 Designated Use	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Crossing Length (feet)	Permanent Crossing Length (feet)	Temporary Impact Area (acres)	Permanent Impact Area (acres)	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	Trout Identification <sup>c</sup>
1	D-OW	Mud Pond	CWF, MF	41° 42' 48.60"	-75° 37' 22.80"	Clifford	Clifford	190	190	0.104	0.087	Gas	I	-
Totals								190	190	0.10	0.09			

<sup>a</sup> Gas = gas pipeline crossing or floodway impacts, TBC=temporary bridge crossing

<sup>b</sup> I = Dry Crossing Method includes Dam & Flume, Dam & Pump, Cofferdam, or Dry Open Cut for waterbodies dry when crossing, II = floodway impacts only

<sup>c</sup> PAFBC Designations: ST = Stocked Trout; WT = Wild Trout

Wetland Impact Table																
Identification			Location			Wetland Impacts						Crossing Information				
Impact Number	Wetland Identification	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Impact Area (acres)	PFO	PSS	PEM	Permanent Impact Area (acres)	PFO	PSS	PEM	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	State Wetland Classification (Other OR EV)
1	K-1W	41° 42' 43.77"	-75° 42' 36.11"	Lenox	Lenoxville	0.00	0.00	0.00	0.02	0.00	0.00	0.00	0.00	GAS	I	EV
2	M-1W	41° 42' 43.26"	-75° 42' 34.69"	Lenox	Lenoxville	0.01	0.00	0.00	0.00	0.00	0.03	0.00	0.00	GAS	I	EV
3	X-1W	41° 42' 45.19"	-75° 41' 29.14"	Lenox	Lenoxville	0.00	0.00	0.00	0.05	0.00	0.00	0.00	0.14	GAS	I	Other
4	S-1W	41° 42' 44.51"	-75° 41' 28.33"	Lenox	Lenoxville	0.00	0.00	0.00	0.003	0.00	0.00	0.00	0.027	GAS	I	Other
5	PQ-2	41° 42' 57.15"	-75° 39' 23.80"	Lenox	Lenoxville	0.00	0.00	0.00	0.00	0.00	0.03	0.00	0.00	TEMPRD	II	Other
6	PQ-1	41° 42' 55.80"	-75° 39' 17.09"	Lenox	Lenoxville	0.00	0.00	0.00	0.47	0.00	0.00	0.00	0.11	GAS	I	EV
				Lenox	Lenoxville	0.00	0.00	0.00	0.37	0.00	0.00	0.00	0.19	GAS	I	Other

Wetland Impact Table											
Identification		Location			Wetland Impacts			Crossing Information			
Impact Number	Wetland Identification	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Impact Area (acres)	Permanent Impact Area (acres)	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	State Wetland Classification (Other OR EV)	
7	I-1W	41° 42' 43.16"	-75° 38' 23.17"	Lenox	Lenoxville	0.00	0.00	0.01	TEMPRD	II	Other
8	H-1W	41° 42' 41.40"	-75° 38' 16.07"	Lenox	Lenoxville	0.00	0.08	0.01	GAS	I	Other
9	E-1W	41° 42' 54.35"	-75° 36' 28.07"	Clifford	Clifford	0.00	0.00	0.02	TEMPRD	II	EV
10	F-1W	41° 42' 54.72"	-75° 36' 26.63"	Clifford	Clifford	0.00	0.01	0.06	GAS	I	Other
11	C-1W	41° 42' 52.88"	-75° 36' 4.91"	Clifford	Clifford	0.00	0.28	0.00	GAS	I	EV
		41° 42' 53.37"	-75° 36' 4.60"	Clifford	Clifford	0.00	0.02	0.00	GAS	I	EV
Totals						0.01	0.02	1.28	0.06	0.14	0.58

<sup>a</sup> GAS = gas pipeline, TEMP RD = temporary roadway crossing

<sup>b</sup> I = Open Cut, II = Temporary Matting

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

**E22-628: The Township of Derry**, 600 Clearwater Road, Hershey, PA 17033 in Derry Township, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To install, operate, and maintain pedestrian improvements on SR 2018 and T-503 (Walton Ave and Mae St. respectively) at the SR 0039 (Hershey Park Dr.) intersection (Lat: 40° 16' 14.4" N, Long: 76° 41' 16.1" W) in the floodway of an unnamed tributary to Swatara Creek (WWF, MF).

**E67-922: Dillsburg Borough**, 1515 Baltimore Street, Dillsburg, PA 17019 in Dillsburg Borough, **York County**, U.S. Army Corps of Engineers, Baltimore District.

To perform work on West Branch Fishers Run (CWF, MF) (Dillsburg Quadrangle 40° 6' 32.3" N, 77° 1' 41.8" W). The applicant proposes to construct a 16-foot by 8-foot single span bridge stream crossing, approximately 615 feet of pervious pavement as a walking path, two 20-foot by 20-foot pervious pavement pads, one 17-foot by 27-foot pervious pavement pad, and associated grading with approximately 300 cubic yards of fill. The total disturbed area for the bridge and walking trail is approximately 28 hundredths of an acre (0.28 ac). There are no proposed wetland impacts.

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

**E59-526. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Suite 1460A, Houston, Texas 77002-5089. Susquehanna West Project in Shippen, Chatham, Delmar, Middlebury and Charleston Townships, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Lat: 41° 49' 32"; Long: -77° 27' 46").

Tennessee Gas Pipeline Company (TCP) has applied for a Standard—Joint Permit Application to construct, operate and maintain 8.1-miles of 36-inch diameter natural gas pipeline for their 300-line loop along Bear Wallow Branch, Left Straight Run, Wildcat Hollow, Right Straight Run, Spoor Hollow Brook, Catlin Hollow Creek, and Baldwin Run in Tioga County. The project will also be modifying one existing compressor station CS 315—Charleston Township.

The total estimated stream impacts for the project are approximately 535 ft of permanent impacts and 37,989 ft (0.872 acre) of temporary impacts. The total estimated wetland impacts for the project are approximately 10,679 ft (0.245 acre) of permanent impacts and 37,989 ft (0.872 acre) of temporary impacts.

<i>Crossing #</i>	<i>MP</i>	<i>Resource ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Resource Name*</i>	<i>Chapter 93</i>	<i>Impact Length (Feet)</i>	<i>Latitude</i>	<i>Longitude</i>
1	0.04	W16	Pipeline Crossing	Wetland	WL-W16	N/A	172	41.8256	-77.4616
2	0.44	W19	Pipeline Crossing	Wetland	WL-W19	EV	15	41.7044	-77.4998
3	0.50	S15	Pipeline Crossing	Stream	Bear Wallow Branch	HQ-CWF; EV	91	41.8252	-77.4528
	0.69	WSW9	Pipeline Crossing Directional Drill	Wetland	WL-WSW9	N/A	100	41.8252	-77.4488
4	0.74	W18	Pipeline Crossing Directional Drill	Wetland	WL-W18	N/A	694	41.8251	-77.4467
5	0.93	W17	Pipeline Crossing Directional Drill	Wetland	WL-W17	N/A	134	41.8251	-77.4444
6	1.10	W15	Pipeline Crossing	Wetland	WL-W15	N/A	94	41.8249	-77.4410
7	1.54	W14	Pipeline Crossing	Wetland	WL-W14	N/A	—	41.8251	-77.4330
8	1.60	S13	Pipeline Crossing	Stream	Left Straight Run	HQ-CWF	89	41.8253	-77.4312
	1.62	W13	Pipeline Crossing	Wetland	WL-W13	EV	71	41.8253	-77.4313
9	1.67	W12	Pipeline Crossing	Wetland	WL-W12	N/A	51	41.8254	-77.4290
10	2.1	S11	Pipeline Crossing	Stream	Wildcat Hollow	HQ-CWF	81	41.8253	-77.4217
11	2.9	S9	Pipeline Crossing	Stream	UNT to Right Straight Run	HQ-CWF	156	41.8254	-77.4110
12	3.0	S10	Pipeline Crossing	Stream	Right Straight Run	HQ-CWF	79	41.8257	-77.4045
13	3.89	W11	Pipeline Crossing Bore	Wetland	WL-W11	N/A	312	41.8238	-77.3870
14	4.26	W10	Pipeline Crossing Bore	Wetland	WL-W10	EV	264	41.8225	-77.3804
	4.50	S8	Pipeline Crossing	Stream	UNT to Spoor Hollow Brook	TSF, EV	29	41.8227	-77.3804
15	4.36	W9	Pipeline Crossing	Wetland	WL-W9	N/A	22	41.8222	-77.3787



<i>Crossing #</i>	<i>MP</i>	<i>Resource ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Resource Name*</i>	<i>Chapter 93</i>	<i>Impact Length (Feet)</i>	<i>Latitude</i>	<i>Longitude</i>
16	4.58	W8	Pipeline Crossing	Wetland	WL-W8	N/A	82	41.8214	-77.3746
17	0.24	W4	Pipeline Crossing	Wetland	WL-W4	N/A	332	41.8131	-77.2722
	0.20	S7	Pipeline Crossing	Stream	Catlin Hollow Creek	TSF	78	41.8132	-77.2733
18	0.60	S6	Pipeline Crossing	Stream	UNT to Catlin Hollow Crk.	TSF	161	41.8123	-77.2672
19	1.4	S4	Pipeline Crossing	Stream	UNT to Catlin Hollow Crk.	TSF	78	41.8104	-77.2518
20	3.5	S1s	Pipeline Crossing	Stream	UNT to Rt. Straight Run	HQ-CWF	31	41.8253	-77.3948
	3.52	W1s	Pipeline Crossing	Wetland	WL-W1s	EV	—	41.8253	-77.3947
21	5.7	S1x	Pipeline Crossing	Stream	Baldwin Run	HQ-CWF	176	41.8195	-77.3502
	5.88	W1x	Pipeline Crossing	Wetland	WL-W1x	EV	31	41.8194	-77.3497

All in-stream pipeline construction activities shall be performed in dry work conditions by directional drilling, boring, dam and pumping, fluming or diverting stream flow around the work areas. All of the streams to be impacted by the project either support wild trout populations or are tributaries to streams that are designated as wild trout streams. Therefore, in-stream work restrictions will apply from October 1 to December 31. In addition, Right Straight Run and its UNT and Baldwin Run are identified as Class A wild trout streams. Therefore, in-stream work restrictions will be extended from October 1 to April 1 for these streams to minimize impacts to trout spawning.

**E17-497. Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh PA 15275. SR 0219, Section A14, Bridge to Box Culvert Replacement Project, Bell Township, **Clearfield County**. USACOE Baltimore District (McGees Mills, PA Quadrangle Latitude: 41° 53' 05.6"; Longitude: 78° 45' 23.7").

Department authorization giving consent to (1) remove the existing single span bridge that carries SR 0219, Section A14, Bridge across Whiskey Run (2) realign 80-feet of unnamed tributary channel, and (3) construct, operate and maintain a box culvert to carry SR 0219, Section A14, across Whiskey Run. The channel change of the unnamed tributary Run shall be limited to maximum 65-linear feet that shall result in successful establishment of a stable realigned channel and overbank areas. The box culvert to carry SR 0219 across Little Whiskey Run shall be constructed to minimally have a span of 30-feet and rise of -feet with invert depression of 1-foot. The project is located along the western right-of-way of SR 0219 approximately 0.64-mile east of SR 0036 and SR 0219 intersection in Bell Township, Clearfield County.

**E60-226. Union County, Union County Government Center**, 155 North 15th Street, Lewisburg, PA 17837. Great Stream Commons, in Gregg Township, **Union County**, ACOE Baltimore District (Allenwood, PA Quadrangle N: 41.18479; W: 76.900586).

To construct and maintain 1) a 1,562 foot long 60-inch diameter reinforced concrete pipe stream enclosure of an unnamed tributary to the West Branch Susquehanna River, 2) stream cross-section and profile changes for 540 feet upstream of the inlet to the 60-inch diameter enclosure, 3) 1,600 lineal feet of offsite stream restoration site in nearby State Game Lands 252 on Spring Creek with 15 randomly placed boulders, 7 half single log vane deflectors, 8 single log vane deflectors, 29 multi log vane deflectors, 3 mud sill cribbing, 1 saw tooth deflector, 1 throat log, and 2 toe log protection, 4) 18,628 square feet of wetland mitigation on the southern end of the subject property, in order to make a level construction site for a commercial/industrial building with the associated access drives, parking lots, and stormwater facilities, part of which will be in a mapped FEMA 100-year floodplain of the West Branch Susquehanna River. This permit also includes 401 Water Quality Certification.

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

**E63-625-A1, Washington Investments, LLC**, 6200 Mid-Atlantic Drive, Morgantown, WV 26508, North Strabane Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

1. Operate and maintain fill in a 0.02 ac PEM wetland (aka "Wetland B");

2. Operate and maintain fill in a 0.03 ac PEM wetland (aka "Wetland C");

3. Operate and maintain a 48" corrugated HDPE pipe in 100 linear feet (LF) of an Unnamed Tributary to Chartiers Creek (aka "Stream 1");

4. Operate and maintain fill in 60 LF of another UNT to Chartiers Creek (aka "Stream 2");

5. Operate and maintain fill in 30 LF of the floodway of another UNT to Chartiers Creek (aka "Stream 3");

6. Operate and maintain fill in 75 LF of another UNT to Chartiers Creek (aka "Stream 4");

7. Operate and maintain a 24" corrugated HDPE pipe in 186 LF of another UNT to Chartiers Creek (aka "Stream 7"); and

8. Operate and maintain fill in 95 LF of another UNT to Chartiers Creek (aka "Stream 8"),

For the purpose of constructing apartments, townhouses and two commercial pads for future sale and development within a 34-acre land parcel which will include site grading, installation of paved areas and the construction of buildings. The project will cumulatively result in 0.05 acre of permanent wetland impact and 466 linear feet of permanent stream impact. Mitigation for these permanent impacts includes 179 linear feet of onsite stream restoration on a UNT to Chartiers Creek (aka Stream 7); 0.10 acre of onsite PEM wetland creation along a UNT to Chartiers Creek (aka Stream 1) and approximately 950 linear feet of offsite stream restoration and streambank fencing along and within an Unnamed Tributary of Buffalo Creek (HQ-WWF) (Buffalo Township). The project is located near the intersection of Racetrack Road and State Route 19 (Quadrangle: Washington East, PA; Latitude: 40° 12' 48"; Longitude: -80° 11' 27"; Sub-basin: 20F; Chapter 93 Type: WWF) in North Strabane Township, Washington County.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**EA28-005: Great Commission Deliverance Ministries**, 6621 March Road, Waynesboro, PA 17268 in Washington Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a total of 1,875 linear feet of stream restoration, including 205 linear feet of random boulder placement, 75 linear feet of riprap/joint plantings, 195 linear feet of rock toe protection, 100 linear feet of live stakes on cut slopes, 245 linear feet of log vane installation, 90 linear feet of log vane with root wad, 175 linear feet of root wad in cut slopes, 220 linear feet of root wad on fill slopes, 645 linear feet of stone deflectors, and a 12 foot wide by 50 foot long concrete slat crossing, all in and along West Branch Antietam Creek along Cold Spring Park Road in Washington Township, Franklin County (Latitude: 39° 45' 15.5"; Longitude: -77° 36' 11.7").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street,

PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

ESCP 2 # ESG00000140001(2)  
 Applicant Name Enterprise Product Operating LLC  
 Contact Person  
 Address PO Box 4324  
 City, State, Zip Houston, TX 77210-4324  
 County Tioga  
 Township(s) Farmington Twp  
 Receiving Stream(s) and Classification(s) Thornbottom Cr—CWF/WWF

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX15-059-0045  
 Applicant Name Pennsylvania Land Resources, LLC  
 Contact Person Scott Sweder  
 Address 158 Portal Road, Bldg. 2, P.O. Box 247  
 City, State, Zip Waynesburg, PA 15370  
 County Greene County  
 Township(s) Whiteley  
 Receiving Stream(s) and Classification(s) UNT to Whiteley Creek (TSF), UNT to Rudolf Run Creek (WWF)  
 Secondary Whiteley Creek (TSF) and Rudolf Run Creek (WWF)

ESCGP-2 # ESX15-129-0012  
 Applicant Name Apex Energy PA, LLC  
 Contact Person Ed Long  
 Address 6041 Wallace Road Extension, Suite 100  
 City, State, Zip Wexford, PA 15090  
 County Westmoreland County  
 Township(s) Penn Township  
 Receiving Stream(s) and Classification(s) UNTs to Bushy Run, Bushy Run (TSF)  
 Secondary Brush Creek (WWF)

ESCGP-2 # ESX16-059-0045  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 2400 Zenith Ridge Road, Suite 200  
 City, State, Zip Canonsburg, PA 15317  
 County Greene County  
 Township(s) Morgan and Franklin Townships  
 Receiving Stream(s) and Classification(s) UNT to Ruff Creek, Ruff Creek (WWF)  
 Secondary South Fork Ten Mile Creek

ESCGP-2 # ESX15-059-0045  
 Applicant Name Pennsylvania Land Resources, LLC  
 Contact Person Scott Sweder  
 Address 158 Portal Road, Bldg. 2, P.O. Box 247  
 City, State, Zip Waynesburg, PA 15370  
 County Greene County  
 Township(s) Whiteley  
 Receiving Stream(s) and Classification(s) UNT to Whiteley Creek (TSF), UNT to Rudolf Run Creek (WWF)  
 Secondary Whiteley Creek (TSF) and Rudolf Run Creek (WWF)

ESCGP-2 # ESX15-059-0045  
 Applicant Name Pennsylvania Land Resources, LLC  
 Contact Person Scott Sweder  
 Address 158 Portal Road, Bldg. 2, P.O. Box 247  
 City, State, Zip Waynesburg, PA 15370  
 County Greene County  
 Township(s) Whiteley  
 Receiving Stream(s) and Classification(s) UNT to Whiteley Creek (TSF), UNT to Rudolf Run Creek (WWF)  
 Secondary Whiteley Creek (TSF) and Rudolf Run Creek (WWF)

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

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0000716001(1)	ETC Northeast Pipeline, LLC 7000 Stonewood Drive Suite 351 Wexford, PA 15090	Beaver County	Conway Borough, Center Township	Crows Run (WWF), Ohio River (WWF)

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

*Elk County Conservation District, 850 Washington Street, St. Mary's, PA 15857.*

<i>ESCGP -2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG 00 047 16 0001	Hunt Marcellus Operating Company LLC Attn: Kurt Lewis 2144 Buena Vista Wilcox, PA 15870	Elk	Johnsonburg Borough/ Ridgway Township	Johnson Run CWF; Little Mill Creek HQ-CWF; UNT Little Mill Creek HQ-CWF; UNT Silver Creek HQ-CWF

<i>ESCGP -2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG 00 047 16 0001(1)	Hunt Marcellus Operating Company LLC Attn: Kurt Lewis 2144 Buena Vista Wilcox, PA 15870	Elk	Johnsonburg Borough/Ridgway Township	Johnson Run CWF; Little Mill Creek HQ-CWF; UNT Little Mill Creek HQ-CWF; UNT Silver Creek HQ-CWF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESG15-083-0003A—Northern Water Wells Waterline Major Modification  
Applicant Seneca Resources Corporation  
Contact Doug Kepler  
Address 5800 Corporate Drive, Suite 300  
City Pittsburgh State PA Zip Code 15237  
County McKean Township(s) Sergeant  
Receiving Stream(s) and Classification(s) Warner Brook,  
Trib 57785 to Warner Brook, Trib 57786 to Warner  
Brook, Trib 57787 to Warner Brook, Trib 57788 to  
Warner Brook/Marvin Creek Watershed HQ/CWF

## SPECIAL NOTICES

### Air Quality

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

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

**48-00003: Keystone Cement Co.** (PO Box A, Routes 329 and 987, Bath, PA 18014) on June 29, 2016 submitted to the Department an alternative compliance schedule petition. Keystone is proposing an interim emission limit of 3.03 pounds of NO<sub>x</sub> per ton of clinker until installation of a SNCR system around September 1, 2017. This interim limit and extension is authorized under 25 Pa. Code Section 129.97(k)—(m) for their facility in East Allen Township, **Northampton County**.

### Proposed State Water Quality Certification Required by Section 401 of the Clean Water Act for the Columbia Gas Transmission, LLC, Tri-County Bare Steel Pipeline Replacement Project

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman, 412-442-4000.*

**PADEP File No. EA30-004-A1, Columbia Gas Transmission, LLC** (Applicant), 1700 S MacCorkle Avenue, SE, Charleston, WV 25314. Tri-County Bare Steel Pipeline Replacement Project (Project), in **Greene, Washington and Allegheny Counties**, in ACOE Pittsburgh District. Within Greene County, this project begins approximately 0.25 mile south of the intersection between Hagan Creek Road and Hero Road (Wadestown, W.VA-PA USGS topographic quadrangle; Latitude: 39° 43' 17.45"; Longitude: -80° 21' 0.48"), in Gilmore Township, Greene County, through Center and Wayne Townships (Holbrook, PA and Oak Forest, PA USGS topographic quadrangles), and ends approximately 0.32 mile East of where S.R. 18 crosses over South Fork Tenmile Creek (Waynesburg, PA USGS topographic quadrangle; Latitude: 39° 53' 45.27"; Longitude: -80° 13' 2.09"), in Franklin Township, Greene County. Within Washington County, this project begins near the interchange between S.R. 40 and I-79 (Washington East, PA USGS topographic quadrangle; Latitude: 40°

8' 53.01"; Longitude: -80° 12' 11.92"), in Amwell Township, Washington County, and continues, in discontinuous segments, through Canonsburg and Houston Boroughs, and Chartiers, North Strabane and South Strabane Townships, until a point that is approximately 0.5 mile NW of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 20' 59.51"; Longitude: -80° 12' 14.91"), in Cecil Township, Washington County. Within Allegheny County, this project begins approximately 1,360' west of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 21' 9.72"; Longitude: -80° 12' 14.42"), in South Fayette Township, Allegheny County, and ends near the intersection of North Branch Road and Third Ave (Oakdale, PA USGS topographic quadrangle; Latitude: 40° 24' 45.58"; Longitude: -80° 12' 33.42"), in North Fayette Township, Allegheny County.

On February 20, 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 its Project (FERC Docket No. CP15-95-000). The FERC Environmental Assessment for the Project, which was issued on September 14, 2015, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-95-000).

On July 28, 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. State water quality certification was granted on March 23, 2016 (DEP File No. EA30-004).

The previously authorized Project included replacing 34 miles of 20-inch-diameter bare steel piping with coated steel pipeline at the following locations:

- Segment 1: replace approximately 14 miles with 14.9 miles from the Hero Valve to Waynesburg Compressor Station in Greene County.
- Segment 2: replace approximately 8 miles with 10.7 miles from the Redd Farm Station to Sharp Farm Station in Washington County.
- Segment 3: replace approximately 12 miles with 11.9 miles from the Sharp Farm Station in Washington County to the Walker Farm Station in Washington and Allegheny Counties.

The pipeline also included associated appurtenant facilities including bi-directional pig launcher/receivers, cathodic protection, main line valves, and taps. Construction activities were located within a 75'—100' right-of-way (ROW); however, a 50' permanent ROW will be

maintained, post construction. Some segments of the existing 20" diameter bare steel pipe of the Line 1570 gas pipeline, will remain and be maintained within the existing right-of-way, where service will be abandoned. The Project included approximately 484 acres of earth disturbance. In Greene County, the project cumulatively impacted approximately 4,643.79 linear feet (lf) of watercourse and 2.11 acres of wetland. Original grades were restored in these watercourses and the 2.11 acres of wetland, after the utility line crossings were constructed. In addition, another 0.09 acre of PEM wetlands were permanently filled, and were mitigated by a portion of the 0.71 acre of mitigation credits that were purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003). In Washington County, the project cumulatively impacted approximately 3,876.71 linear feet (lf) of watercourse and 4.92 acres of wetland. Original grades were restored in these watercourses and the 4.92 acres of wetland, after the utility line crossings were constructed. In addition, another 0.49 acre of PSS wetlands were permanently converted into PEM wetlands, were mitigated by a portion of the 0.71 acre of mitigation credits that were purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003). In Allegheny County, the project cumulatively impacted approximately 2,248.25 linear feet (lf) of watercourse and 0.48 acre of wetland. Original grades were restored in these watercourses and the 0.48 acre of wetland, after the utility line crossings were constructed.

Most recently, on July 19, 2016, 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.A. § 1341) for proposed revisions to the previously approved line route, 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.

In order to amend the Project as approved by FERC, the applicant anticipates submitting a variance request under the same docket number. Once submitted, the request may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-95-000).

The Project revisions to Segment 2 include an overall reduction in length of approximately 0.5 mile of 20-inch pipeline for the purpose of transporting natural gas from the Redd Farm Station to Sharp Farm Station in Washington County. The Project revisions to Segment 3 include an overall increase in length of 0.5 miles of 20-inch pipeline for the purpose of transporting natural gas from the Sharp Farm Station to the Walker Farm Station in Allegheny and Washington Counties. The Project, as proposed, will require:

- Segment 2: approximately 5.9 less acres of earth disturbance, and impacts to 149 linear feet of Redd Run, TSF and UNT to Chartiers Creek, WWF, 2 acres of floodway, and 0.13 acre of temporary wetland impacts. There are no additional permanent wetland impacts proposed.
- Segment 3: approximately 0.2 less acre of earth disturbance, and impacts to 0.33 linear feet of a UNT to Robinson Run, WWF, and 0.3 acre of floodway. There are no additional temporary or permanent impacts to wetlands proposed.

PADEP anticipates issuing a state water quality certification to Applicant for the Project revisions 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 State Water Quality Certification and all required permits, authorizations and approvals. 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 Project.

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 State Water Quality

Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant 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 State Water Quality 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 State Water Quality 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 issuance of the final state water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP within 30 days of this notice. Comments should be directed to Rita Coleman 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.

**Proposed Conditional State Water Quality  
Certification for the Monongahela Lock and Dam  
No. 4 Hydroelectric Project, FERC Project  
No. 13767**

On February 27, 2014, Solia 4 Hydroelectric, LLC (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC) for a license to construct and operate a 12-megawatt (MW) hydropower facility at the Montgomery Lock and Dam No. 4 (aka Charleroi Lock and Dam), owned and operated by the U.S. Army Corps of Engineers (Corps), on the Monongahela River, at river mile 41.5, in Washington County, Pennsylvania (Project). The Applicant is required pursuant to section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)) to provide FERC with certification from the Commonwealth of Pennsylvania (Commonwealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests from applicants for water quality certification made pursuant to section 401 of the act.

On August 23, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant.

The Project would consist of a new, 140-foot-long, intake channel to be excavated into the riverbed immediately downstream of the existing gated spillway. The intake channel would lead to a concrete intake structure that would convey flows past a trash rack with 3-inch clear bar spacing, to a new reinforced concrete powerhouse that is 150 feet long. The powerhouse would house two (2) horizontal pit Kaplan turbine generator units with a combined capacity of 12 MW. Flows would exit the powerhouse into a 210-foot-long, tailrace excavated into the riverbed. The tailrace would be bordered by a new concrete retaining wall or a combination of retaining wall and riprap as appropriate. Two (2) gates, with a combined width of 84-feet, would be installed in the intake area to pass the flow equivalent of one existing gate. Project power would be transmitted from the powerhouse to a new 40' x 40' project substation, and then from the new substation to an existing distribution line with a 45-foot-long, 69-kilovolt overhead transmission line.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania Water Quality Standards:

1. *Discharge Permit*—If the proposed facility will result in a discharge into waters of the Commonwealth, the Applicant shall, prior to construction, obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit from the Department for discharges to waters of the Commonwealth pursuant to the Clean Streams Law (35 P.S. §§ 691.1—691.1001), and applicable regulations implementing the Clean Streams Law, including, but not limited to, 25 Pa. Code Chapters 91, 92a, 93 and 96. As part of the NPDES permit application for the Project, the Applicant shall provide the Department with information on the potential impacts of the Project on water quality and measures that will be taken to avoid, minimize and/or mitigate those impacts, including information on the type, volume and concentration of pollutants that may be discharged, impacts to Federal and State threatened and endangered species and other species of special concern, impacts on the flow and dissolved oxygen levels of the impacted waters, and measures to be taken to avoid water quality impacts, and impingement, entrainment, habitat destruction, and other adverse impacts on fish and wildlife species. The applicant shall also submit a plan as part of the permit application to prevent pollutants from directly or indirectly reaching waters of the Commonwealth through accident, carelessness, maliciousness, hazards of weather or from other causes consistent with 25 Pa. Code § 91.34. The Applicant shall assess impacts and develop best management practices as part of its permit application consistent with applicable Department technical guidance.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States

which require permit coverage under Section 404 of the Clean Water Act (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for Stormwater Discharges Associated with Construction Activities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP) issued by the Department for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is not part of the Corps' dam or its appurtenant works pursuant to the 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. Project activities requiring a WO&EP may include, but are not limited to, access roads, buildings, penstocks, outfalls, utility lines, pipelines, and staging areas.

4. *Submerged Lands License Agreement*—The Applicant shall obtain and comply with a Submerged Lands License Agreement pursuant to Pennsylvania's Dam Safety and Encroachments Act (32 P.S. § 693.15) from the Department to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.

5. *Water Resource Planning Act Registration*—In accordance with the Pennsylvania Water Resources Planning Act (27 Pa.C.S. § 3118) and the regulations thereunder (25 Pa. Code Chapter 110), FFP Missouri 5, LLC must register the hydropower facility with the Department and report water usage to the Department annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the act of June 14, 1923 (32 P.S. §§ 591—625) related to the construction of a power dam or for a change in stream to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project.

8. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants pursuant to 25 Pa. Code Chapter 91, Section 91.34. The PPC Plan shall be developed in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>.

9. *Operation*—The 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 State Water Quality Certification and all required permits, authorizations and approvals. 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 the Applicant.

10. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department 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 made available for inspection by the Department during such inspections of the Project.

11. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the 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 Department Southwest Regional Office of such intent. Notice to the Department 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. The existing owner shall continue to be responsible for construction and operations at the Project until a transfer to the new owner has been completed.

12. *Correspondence*—All correspondence with and submissions to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, and shall reference DEP File No. WQ05-006.

13. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant's applicable procedural and substantive rights.

14. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

15. *Severability*—The provisions of this State Water Quality 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.

The Department will consider all written comments received within 30-days of the date of this notice, before taking final action on this conditional State Water Quality Certification. Comments submitted by facsimile will not be accepted. All comments must include the originator's name and address. Written comments should be submitted by mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

**Proposed Conditional State Water Quality  
Certification for the Maxwell Lock and Dam  
Hydroelectric Project, FERC Project No. 13766**

On February 27, 2014, Solia 5 Hydroelectric, LLC (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC) for a license to construct and operate a 13-megawatt (MW) hydropower facility at the Maxwell Lock and Dam, owned and operated by the U.S. Army Corps of Engineers (Corps), on the Monogahela River, at river mile 61.2, in Washington County, Pennsylvania (Project). The Applicant is required pursuant to section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)) to provide FERC with certification from the Commonwealth of Pennsylvania (Commonwealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests from applicants for water quality certification made pursuant to section 401 of the act.

On September 27, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant. The Project would consist of a new 130-foot-long intake channel to be excavated into the riverbed downstream of the existing gated spillway. The intake channel would lead to a concrete intake structure that would convey flows past a trash rack with 3-inch clear bar spacing, to a new concrete powerhouse that is 150 feet long. The powerhouse would house two (2) horizontal pit Kaplan turbine generator units with a combined capacity of 13 MW. Flows would exit the powerhouse into a 160-foot-long tailrace excavated into the riverbed. Two (2) gates, with a combined width of 84 feet, would be constructed within the intake area, to pass the flow equivalent of one existing gate bay in a fully open position. Project power would be transmitted from the powerhouse to a new project 40' × 40' substation, and then from the new substation to an existing distribution line, with a 350-foot-long, overhead transmission line, with a voltage between 69 and 138 kilovolt.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania Water Quality Standards:

1. *Discharge Permit*—If the proposed facility will result in a discharge into waters of the Commonwealth, the Applicant shall, prior to construction, obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit from the Department for discharges to waters of the Commonwealth pursuant to the Clean Streams Law (35 P.S. §§ 691.1—691.1001), and applicable

regulations implementing the Clean Streams Law, including, but not limited to, 25 Pa. Code Chapters 91, 92a, 93 and 96. As part of the NPDES permit application for the Project, the Applicant shall provide the Department with information on the potential impacts of the Project on water quality and measures that will be taken to avoid, minimize and/or mitigate those impacts, including information on the type, volume and concentration of pollutants that may be discharged, impacts to Federal and State threatened and endangered species and other species of special concern, impacts on the flow and dissolved oxygen levels of the impacted waters, and measures to be taken to avoid water quality impacts, and impingement, entrainment, habitat destruction, and other adverse impacts on fish and wildlife species. The applicant shall also submit a plan as part of the permit application to prevent pollutants from directly or indirectly reaching waters of the Commonwealth through accident, carelessness, maliciousness, hazards of weather or from other causes consistent with 25 Pa. Code § 91.34. The Applicant shall assess impacts and develop best management practices as part of its permit application consistent with applicable Department technical guidance.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States which require permit coverage under Section 404 of the Clean Water Act (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for Stormwater Discharges Associated with Construction Activities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP) issued by the Department for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is not part of the Corps' dam or its appurtenant works pursuant to the 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. Project activities requiring a WO&EP may include, but are not limited to, access roads, buildings, penstocks, outfalls, utility lines, pipelines, and staging areas.

4. *Submerged Lands License Agreement*—The Applicant shall obtain and comply with a Submerged Lands License Agreement pursuant to Pennsylvania's Dam Safety and Encroachments Act (32 P.S. § 693.15) from the Department to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.



5. *Water Resource Planning Act Registration*—In accordance with the Pennsylvania Water Resources Planning Act (27 Pa.C.S. § 3118) and the regulations thereunder (25 Pa. Code Chapter 110), FFP Missouri 5, LLC must register the hydropower facility with the Department and report water usage to the Department annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the act of June 14, 1923 (32 P.S. §§ 591—625) related to the construction of a power dam or for a change in stream to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project.

8. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants pursuant to 25 Pa. Code Chapter 91, Section 91.34. The PPC Plan shall be developed in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>.

9. *Operation*—The 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 State Water Quality Certification and all required permits, authorizations and approvals. 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 the Applicant.

10. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department 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 made available for inspection by the Department during such inspections of the Project.

11. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the 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 Department Southwest Regional Office of such intent. Notice to the Department 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. The existing owner shall continue to be responsible for construction and operations at the Project until a transfer to the new owner has been completed.

12. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, and shall reference DEP File No. WQ05-008.

13. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it

determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant's applicable procedural and substantive rights.

14. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

15. *Severability*—The provisions of this State Water Quality 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.

The Department will consider all written comments received within 30-days of the date of this notice, before taking final action on this conditional State Water Quality Certification. Comments submitted by facsimile will not be accepted. All comments must include the originator's name and address. Written comments should be submitted by mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

#### **Proposed Conditional State Water Quality Certification for the Gray's Landing Lock and Dam Hydroelectric Project, FERC Project No. 13763**

On February 27, 2014, FFP Missouri 13, LLC (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC) for a license to construct and operate a 12-megawatt (MW) hydropower facility at the Gray's Landing Lock and Dam, owned and operated by the U.S. Army Corps of Engineers (Corps), on the Monongahela River, at river mile 82.0, in Greene County, Pennsylvania (Project). The Applicant is required pursuant to section 401(a) of the Federal Clean Water Act (act) (33 U.S.C. § 1341(a)) to provide FERC with certification from the Commonwealth of Pennsylvania (Commonwealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests from applicants for water quality certification made pursuant to section 401 of the act.

On September 22, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant. The Project would consist of a new, approximately 300-foot-long intake channel to be excavated from the river to a concrete intake structure that would convey flows past a trash rack with 3-inch clear bar spacing, to a new concrete, 150-long powerhouse that would be built on the east bank, adjacent to the river. The powerhouse would house two (2) horizontal pit Kaplan turbine generator units with a combined capacity of 12 MW. Flows would exit the powerhouse into an approximately 250-

foot-long, new tailrace that will join the river. The tailrace will be bordered by a new concrete retaining wall or a combination of retaining wall and riprap as appropriate. Variable high crest gates would be installed on the existing dam. Project power would be transmitted from the powerhouse to a new 40' x 40' project substation, and then from the new substation to an existing transmission line, with a 9,965-foot-long, 69-kilovolt overhead transmission line.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania Water Quality Standards:

1. *Discharge Permit*—If the proposed facility will result in a discharge into waters of the Commonwealth, the Applicant shall, prior to construction, obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit from the Department for discharges to waters of the Commonwealth pursuant to the Clean Streams Law (35 P.S. §§ 691.1—691.1001), and applicable regulations implementing the Clean Streams Law, including, but not limited to, 25 Pa. Code Chapters 91, 92a, 93 and 96. As part of the NPDES permit application for the Project, the Applicant shall provide the Department with information on the potential impacts of the Project on water quality and measures that will be taken to avoid, minimize and/or mitigate those impacts, including information on the type, volume and concentration of pollutants that may be discharged, impacts to Federal and State threatened and endangered species and other species of special concern, impacts on the flow and dissolved oxygen levels of the impacted waters, and measures to be taken to avoid water quality impacts, and impingement, entrainment, habitat destruction, and other adverse impacts on fish and wildlife species. The applicant shall also submit a plan as part of the permit application to prevent pollutants from directly or indirectly reaching waters of the Commonwealth through accident, carelessness, maliciousness, hazards of weather or from other causes consistent with 25 Pa. Code § 91.34. The Applicant shall assess impacts and develop best management practices as part of its permit application consistent with applicable Department technical guidance.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States which require permit coverage under Section 404 of the Clean Water Act (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for

Stormwater Discharges Associated with Construction Activities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP) issued by the Department for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is not part of the Corps' dam or its appurtenant works pursuant to the 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. Project activities requiring a WO&EP may include, but are not limited to, access roads, buildings, penstocks, outfalls, utility lines, pipelines, and staging areas.

4. *Submerged Lands License Agreement*—The Applicant shall obtain and comply with a Submerged Lands License Agreement pursuant to Pennsylvania's Dam Safety and Encroachments Act (32 P.S. § 693.15) from the Department to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.

5. *Water Resource Planning Act Registration*—In accordance with the Pennsylvania Water Resources Planning Act (27 Pa.C.S. § 3118) and the regulations thereunder (25 Pa. Code Chapter 110), FFP Missouri 5, LLC must register the hydropower facility with the Department and report water usage to the Department annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the act of June 14, 1923 (32 P.S. §§ 591—625) related to the construction of a power dam or for a change in stream to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project.

8. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants pursuant to 25 Pa. Code Chapter 91, Section 91.34. The PPC Plan shall be developed in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>.

9. *Operation*—The 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 State Water Quality Certification and all required permits, authorizations and approvals. 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 the Applicant.

10. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Depart-

ment 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 made available for inspection by the Department during such inspections of the Project.

11. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the 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 Department Southwest Regional Office of such intent. Notice to the Department 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. The existing owner shall continue to be responsible for construction and operations at the Project until a transfer to the new owner has been completed.

12. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, and shall reference DEP File No. WQ05-009.

13. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant's applicable procedural and substantive rights.

14. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

15. *Severability*—The provisions of this State Water Quality 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.

The Department will consider all written comments received within 30-days of the date of this notice, before taking final action on this conditional State Water Quality Certification. Comments submitted by facsimile will not be accepted. All comments must include the originator's name and address. Written comments should be submitted by mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

[Pa.B. Doc. No. 16-2078. Filed for public inspection December 2, 2016, 9:00 a.m.]

### **Quehanna Wild Area Nuclear Site in the Moshannon State Forest, Clearfield County; Notice of Proposed Settlement**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. § 6020.1113), notice is given that the Department of Environmental Protection (Department) has entered into a proposed settlement with Lockheed Martin Corporation (Lockheed Martin) for the reimburse-

ment of costs incurred by the Commonwealth for response actions taken at the Quehanna Wild Area Nuclear Site in Clearfield County (Site).

From the 1950s to the 2000s, this Site was the location of a facility at which radioactive materials were processed, stored, handled and, more recently, remediated under Federal licenses from the Atomic Energy Commission and Nuclear Regulatory Commission (NRC). During that time span, a number of businesses, including Lockheed Martin's predecessor, Martin Marietta Company, conducted activities at the Site utilizing radioactive and other materials. For most of this 50-year period the Site has been owned by the Commonwealth.

Activities at the Site involving radioactive materials included: the operation of a pool-type research reactor in the 1950s; research and development activities associated with a variety of applications, including, but not limited to, the manufacture of prototype thermoelectric generators using strontium-90 (Sr-90) in the early and mid-1960s; encapsulation of sealed sources of cobalt-60 (Co-60) and other radionuclides in the late 1960s and part of the 1970s; and operation of irradiators for food and wood irradiation and other processes from the 1960s to 2002.

For more than 15 years, the Department coordinated Site cleanup activities. The cleanup is complete. Cleanup activities have included removal and offsite disposal of all regulated radioactive materials, demolition of all Site structures, and extensive monitoring and sampling to ensure that the Site met NRC requirements. The Commonwealth's cleanup expenditures exceed \$30 million.

In 2003 and 2004, the Commonwealth and the United States entered into agreements under which the United States reimbursed the Commonwealth for \$10 million of the Commonwealth's cleanup costs. The Department filed two lawsuits in the United States District Court for the Middle District of Pennsylvania in which the Department seeks payment of the remaining unreimbursed cleanup expenditures. One lawsuit is against Atlantic Richfield Company (Atlantic Richfield), in which the Department seeks to recover from Atlantic Richfield the Site expenditures relating to the cleanup of Co-60. The civil action number of that lawsuit is 1:09-CV-0913. In that action, the Department contends that Atlantic Richfield is liable for the Site expenditures relating to the cleanup of Co-60. The Department has asserted that the expenditures for the cleanup of Co-60 were at least \$1.45 million. The Department and Atlantic Richfield previously agreed to a proposed Consent Decree that resolves the lawsuit and any other claims that the Commonwealth could have made against Atlantic Richfield relating to the Site cleanup and reimbursement of the Commonwealth's cleanup expenditures (ARCO Consent Decree).

This notice pertains to a second lawsuit which was filed against Lockheed Martin. The Department contends that Lockheed Martin is liable for those Site expenditures relating to the cleanup of Sr-90. The civil action number of that lawsuit is 1:09-CV-0821. In that action, the Department seeks in excess of \$20 million. The Department and Lockheed Martin have agreed to a proposed Consent Decree that resolves this specific lawsuit and any other claims that the Commonwealth could have made against Lockheed Martin relating to the Site cleanup and reimbursement of the Commonwealth's cleanup costs.

The primary terms of the proposed Consent Decree are that Lockheed Martin shall pay the Department \$500,000 for reimbursement of the Commonwealth's cleanup expenditures, that Lockheed Martin shall withdraw its objections to the ARCO Consent Decree and that Lockheed Martin will receive contribution protection and cannot be sued by any other entity with respect to the Commonwealth's cleanup expenditures. In the proposed Consent Decree, which has been filed with and is subject to court approval, the Department and Lockheed Martin have stated that: (1) the proposed Consent Decree has been negotiated by the Department and Lockheed Martin in good faith; (2) the settlement of this matter will avoid prolonged and complicated litigation between the Department and Lockheed Martin; and (3) the settlement is fair, reasonable and in the public interest.

Under section 1113 of the HSCA, the Department is providing a 60-day comment period on the proposed settlement beginning on the date of publication of this notice. Interested persons may submit written comments to the Department which shall be addressed to Curtis C. Sullivan, Department of Environmental Protection, Office of Chief Counsel, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Copies of the proposed Consent Decree also may be obtained from Curtis Sullivan. The Department has the right to withdraw its consent to the Consent Decree if comments concerning the Consent Decree disclose facts or considerations that indicate that the Consent Decree is inappropriate, improper or not in the public interest.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2079. Filed for public inspection December 2, 2016, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Clearfield County

The Department of General Services (Department) will accept bids for the purchase of 4.27 ± acres of land and improvements, formerly known as the PennDOT District 2-0 Engineering Office, located at 1924 Daisy Street Extension, Clearfield, Lawrence Township, Clearfield County. Bids are due Wednesday, March 1, 2017. Interested parties wishing to receive a copy of Solicitation No. 94852 should view the Department's web site at www.dgs.pa.gov or call Lisa Kettering at (717) 787-1321.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-2080. Filed for public inspection December 2, 2016, 9:00 a.m.]

### Real Estate for Sale Washington County

The Department of General Services (Department) will accept bids for the purchase of the former Washington County Troop B State Police Headquarters, consisting of 3.0 ± acres of land and two buildings totaling 21,664 ± square feet, located at 83 Murtland Avenue, City of Washington, South Strabane Township, Washington County. Bids are due Wednesday, February 15, 2017. Interested parties wishing to receive a copy of Solicitation No. 94853 should view the Department's web site at www.dgs.pa.gov or call Andrew Lick at (717) 772-8842.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-2081. Filed for public inspection December 2, 2016, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to Charges for Medical Records

In the notice published at 45 Pa.B. 6934 (December 5, 2015), the Department of Health (Department) published the guidelines and fees that a health care provider or facility may charge in response to a request for production of medical charts or records. This notice updates the notice published at 45 Pa.B. 6934.

Under 42 Pa.C.S. §§ 6152, 6152.1 and 6155 (relating to subpoena of records; limit on charges; and rights of patients), a health care provider or facility is allowed to charge a fee in response to a request for medical charts or records. The Secretary of Health (Secretary), under 42 Pa.C.S. §§ 6152 and 6152.1, is directed to adjust annually the amounts which may be charged by the health care provider or facility.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2015, through October 31, 2016, the Consumer Price Index was 1.6%.

Accordingly, effective January 1, 2017, the following fees may be charged by a health care facility or health care provider in response to a request for production of medical charts or records:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20 . . . . .	\$1.48
Amount charged per page for pages 21—60 . . . . .	\$1.10
Amount charged per page for pages 61—end . . . . .	\$0.37
Amount charged per page for microfilm copies . . . . .	\$2.19
Flat fee for production of records to support any claim under Social Security or any Federal or State financial needs based program . . . . .	\$27.92
Flat fee for supplying records requested by a district attorney . . . . .	\$22.04
* Search and retrieval of records . . . . .	\$22.04

The previously listed fees shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

The previous charges, however, are subject to the following exceptions:

(1) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Workers' Compensation Act (77 P.S. §§ 1—1041.4 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

(2) The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

(3) The charges for the production of medical records by a health care provider in response to a request made by either an individual who is the subject of the health information or the individual's personal representative is governed by the Health Insurance Portability and Accountability Act (HIPAA) and Federal regulations enacted under HIPAA, including 42 U.S.C.A. § 17935(e) and 45 CFR 164.524 (relating to access of individuals to protected health information), as follows:

a. *Electronic health record.* Under 42 U.S.C.A. § 17935(e), if a health care provider uses or maintains health records in an electronic format with respect to protected health information of an individual, the individual shall have a right to obtain from the health care provider a copy of the information in an electronic format. The individual also has a choice to direct the health care provider to transmit electronically a copy of the health record directly to an entity or person designated by the individual, provided that any choice is clear, conspicuous and specific. Any fee that the health care provider may impose for providing the information (or a summary or explanation of the information) in an electronic format shall not be greater than the labor costs in responding to the request. The United States Department of Health and

Human Services has stated that the labor costs may not include costs associated with searching for and retrieving the requested information.

b. *Health record used or maintained in other types of format (for example, paper).* Under 45 CFR 164.524(c)(4), if the individual requests a copy of the protected health information or agrees to a summary or explanation of the information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of: (1) labor for copying the protected health information requested by the individual, whether in paper or electronic form; (2) supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media; (3) postage, when the individual has requested the copy, or the summary or explanation, be mailed; and (4) preparing an explanation or summary of the protected health information, if the individual agrees in advance to a summary or explanation and the fees to be imposed, in accordance to 45 CFR 164.524(c)(2)(iii). Similarly, the labor costs under 45 CFR 164.524(c)(4) shall not include the cost attributable to search and retrieval of the records.

Inquiries for further clarification on this exception should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, DC 20201, (866) 627-7748, <http://www.hhs.gov/ocr/office/about/contactus/index.html>.

Questions or inquiries concerning this notice should be sent to the Department of Health, Office of Legal Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Office of Legal Counsel 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 at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2082. Filed for public inspection December 2, 2016, 9:00 a.m.]

### Decisions on Requests for Exception to Health Care Facility Regulations; Correction

The Department of Health (Department) published a notice entitled "Decisions on Requests for Exception to Health Care Facility Regulations" at 46 Pa.B. 7205 (November 12, 2016). That notice contains a list of decisions of the Department on requests filed with the Department for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G under 28 Pa. Code § 51.33 (relating to requests for exceptions) that had been published in the *Pennsylvania Bulletin* from July 2016, through September 2016. The notice incorrectly reflected that the exception request, listed as follows, filed by the hospital facility identified under "Facility Name" was denied. The purpose of this notice is to correct the prior notice and advise that the request was granted.

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
St. Luke's Hospital—Monroe Campus	§ 107.61	Written orders (medical staff)	08/20/2016	granted

Inquiries regarding this correction notice should be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2083. Filed for public inspection December 2, 2016, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Thursday, December 8, 2016. The meeting will be held at the Department of Transportation Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543 from 10 a.m. until 3 p.m. Agenda items will include updates about program operations, the newborn screening data system, Pediatric Audiology Links to Service, cytomegalovirus and a presentation by the Pennsylvania Society for the Advancement of the Deaf on their role in promoting language readiness for families with deaf and hard of hearing children.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact Joseph Wagner, Program Manager, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2084. Filed for public inspection December 2, 2016, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Orchard Manor, Inc.  
20 Orchard Drive  
Grove City, PA 16127  
FAC ID # 410802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

The Health Care Center at White Horse Village  
535 Gradyville Road  
Newtown Square, PA 19073  
FAC ID # 235902

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Golden LivingCenter—Lansdale  
25 West 5th Street  
Lansdale, PA 19446  
FAC ID # 140502

Luther Woods Nursing and Rehabilitation Center  
313 West County Line Road  
Hatboro, PA 19040  
FAC ID # 640302

Ridgeview Healthcare & Rehab Center  
200 Pennsylvania Avenue  
Shenandoah, PA 17976  
FAC ID # 152502

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. 16-2085. Filed for public inspection December 2, 2016, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Availability of the Renewals of the Office of Developmental Programs' Consolidated and Person/Family Directed Support Waivers

The Department of Human Services (Department) is making available for public review and comment, Appendices A—H of the Office of Developmental Programs' proposed renewals of the Consolidated and Person/Family Directed Support (P/FDS) Waivers.

#### Background

Home and community-based waivers permitted under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) are approved by the Centers for Medicare & Medicaid Services (CMS) for a 5-year renewal period. The current Consolidated and P/FDS Waivers expire on June 30, 2017; therefore, the proposed renewals of the Waivers are to be submitted to CMS no later than March 30, 2017. A separate notice will be published announcing the availability of Appendices I and J for public comment upon completion of the rate setting process.

In the request for renewal of the Consolidated and P/FDS Waivers, the Department proposes the following substantive changes to Appendices A through H effective July 1, 2017:

- Include in the target group the following:
  - People with a diagnosis of autism who do not have an intellectual disability.
  - Children under 8 years of age who have a developmental disability with a high probability of resulting in an intellectual disability or autism.
  - Children under 3 years of age with an intellectual disability.

- Add reserved capacity in the Consolidated Waiver for individuals who are no longer in the custody of the Office of Children, Youth and Families, individuals who are no longer eligible for the Early Periodic Screening, Diagnostic and Treatment benefit through Medical Assistance, and individuals who are discharged from residential treatment facilities or State hospitals, or released from prison.

- Modify the process for annual recertification of level of care criteria.

The Department is also proposing the addition of new services and revisions to existing services to ensure compliance with CMS' Home and Community-Based Services (HCBS) Final Rule (see 79 FR 2948 (January 16, 2014)) to promote employment in alignment with Governor Wolf's Executive Order 2016-03—Establishing "Employment First" Policy—to increase residential service options that provide support in private homes and defray enrollment into licensed residential programs, and to adopt recommendations from the Department's vision of Everyday Lives that sustain families and promote community integration.

The Department proposes additional changes to augment participant-centered service planning and delivery and participant-direction of services and strengthen participant rights and safeguards. Moreover, the Department proposes revisions to the quality improvement strategy to align with CMS requirements, enhance stakeholder participation and simplify reporting requirements. These changes include the following:

- Align participant-centered service planning and delivery with CMS' HCBS Final Rule and clarify expectations related to monitoring of Waiver service delivery.

- Strengthen enforcement powers to apply progressive sanctions to underperforming common law and managing employers.

- Specify when the Department's fair hearing and appeals process is not available.

- Strengthen safeguards to ensure participant rights, including refinement of critical incident protocols, oversight of medication administration and oversight of restrictive interventions.

- Revise the quality oversight and reporting process to align with the new CMS Quality Strategy and streamline performance measures.

The proposed documents regarding the renewals of the Consolidated and P/FDS Waivers are available at <http://www.dhs.pa.gov/provider/developmentalprograms/2017waiverrenewals/>.

#### *Fiscal Impact*

It is anticipated that there will be an additional cost of approximately \$19.4 million (\$9.347 million in State funds) to the Commonwealth in Fiscal Year 2017-2018 and \$31 million (\$14.936 million in State funds) in subsequent years.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed renewals of the Waivers. Comments should be addressed to Julie Mocho, Depart-

ment of Human Services, Office of Developmental Programs, 625 Forster Street, Room 501, Harrisburg, PA 17120. Comments may also be submitted to the Department at [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov). Comments received within 45 days of publication of this notice will be reviewed and considered for revisions to the proposed renewals of the Waivers.

The Department will also hold three webinars to receive comments on the proposed renewals of the Consolidated and P/FDS Waivers. The dates, times and registration link to participate in these webinars are as follows:

January 12, 2017  
1 p.m. to 4 p.m.

January 13, 2017  
9 a.m. to 12 p.m.

January 17, 2017  
1 p.m. to 4 p.m.

The following link must be used to register for any of the previously listed webinars: <https://attendee.gotowebinar.com/rt/9193340354940671748>. Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. To assist the Department in accurately capturing comments provided during the webinars, individuals are asked to submit a written copy of their comments by e-mail or to mail to the address previously provided.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the following toll free numbers:

(800) 654-5984 (TDD users)  
(800) 654-5988 (voice users)  
(844) 308-9292 (Speech-to-Speech)  
(844) 308-9291 (Spanish)

Copies of this notice and the proposed renewals of the Waivers may be obtained at the regional Office of Developmental Programs in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central Region:* Room 430, Willow Oak Building, P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1076. (1) General Fund; (2) Implementing Year 2016-17 is \$0; (3) 1st Succeeding Year 2017-18 is \$9,347,000; 2nd Succeeding Year 2018-19 through 5th Succeeding Year 2021-22 are \$14,936,000; (4) 2015-16 Program—\$1,202,000,000 2014-15 Program—\$1,074,000,000; 2013-14 Program—\$1,026,000,000 (7) In-

lectual Disabilities—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-2086. Filed for public inspection December 2, 2016, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by The Port Authority of Allegheny County seeking to lease highway right-of-way located along SR 0279 and SR 0019 (Perry Highway) near Winter Avenue, Ross Township, Allegheny County, containing 8.0 ± acres for the purpose of a park and ride facility.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to H. Daniel Cessna, PE, District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Jeff Powell, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-2087. Filed for public inspection December 2, 2016, 9:00 a.m.]

### State Transportation Commission Meeting

The State Transportation Commission will hold a meeting on Thursday, December 15, 2016, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Ellen E. Sweeney at (717) 787-2913, [ellsweeney@pa.gov](mailto:ellsweeney@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-2088. Filed for public inspection December 2, 2016, 9:00 a.m.]

### Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Thursday, December 8, 2016, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Ellen E. Sweeney, (717) 787-2913, [ellsweeney@pa.gov](mailto:ellsweeney@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-2089. Filed for public inspection December 2, 2016, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### RES Coal, LLC v. DEP; EHB Doc. No. 2016-146-L

RES Coal, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES permit (revisions) to RES Coal, LLC located in Woodward/Decatur Townships, Clearfield County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 16-2090. Filed for public inspection December 2, 2016, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The December 20, 2016, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, February 21, 2017, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for the February 21, 2017, meeting will be 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)"). Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at (717) 783-8727 or [ledinger@pa.gov](mailto:ledinger@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Chairperson*

[Pa.B. Doc. No. 16-2091. Filed for public inspection December 2, 2016, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, November 17, 2016, and announced the following:

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 16, 2016*

Pennsylvania Minority Business Development Authority # 4-99: General Provisions (amends 12 Pa. Code §§ 81.111, 81.112, 81.122, 81.124, 81.131, 81.143 and 81.144)

*Action Taken—Regulation Approved:*

State Real Estate Commission # 16A-5623: Seller Property Disclosure Statement (amends 49 Pa. Code Section 35.335a)

State Board of Nursing # 16A-5125: General Revisions (amends 49 Pa. Code §§ 21.2, 21.3, 21.7, 21.21—21.25, 21.27—21.30a, 21.142, 21.144, 21.149, 21.151—21.156c, 21.701, 21.722, 21.723b and 21.724)

Insurance Department # 11-254: Annual Financial Reporting Requirements (amends 31 Pa. Code Chapter 147)

Department of Transportation # 18-461: Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic (amends 67 Pa. Code Chapter 101)

## Approval Order

Public Meeting Held  
November 17, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Real Estate Commission  
Seller Property Disclosure Statement  
Regulation No. 16A-5623 (# 3158)*

On October 11, 2016, the Independent Regulatory Review Commission (Commission) received this regulation from the State Real Estate Commission. This rulemaking amends 49 Pa. Code Section 35.335a. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking amends the Seller Property Disclosure Statement to add sinkholes and storm water facilities to the list of subjects required to be disclosed, as directed by Act 6 of 2015.

We have determined this regulation is consistent with the statutory authority of the State Real Estate Commission (Section 3, Act 6 of 2015) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting Held  
November 17, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Nursing  
General Revisions  
Regulation No. 16A-5125 (# 3080)*

On October 17, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code §§ 21.2, 21.3, 21.7, 21.21—21.25, 21.27—21.30a, 21.142, 21.144, 21.149, 21.151—21.156c, 21.701, 21.722, 21.723b and 21.724. The proposed regulation was published in the November 1, 2014 *Pennsylvania Bulletin* with a public comment period ending on December 1, 2014. The final-form regulation was submitted to the Commission on September 26, 2016.

The regulation establishes timeframes within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and pass licensure examinations. The regulation also amends provisions relating to re-examination, continued competency, qualifications of applicants for examination, and licensure requirements.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 212.1(k) and 667.6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting Held  
November 17, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Insurance Department  
Annual Financial Reporting Requirements  
Regulation No. 11-254 (# 3129)*

On January 11, 2016, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 147. The proposed regulation was published in the January 23, 2016 *Pennsylvania Bulletin* with a public comment period ending February 22, 2016. The final-form regulation was submitted to the Commission on September 28, 2016.

The final regulation updates Chapter 147, commonly referred to as the "CPA Audit Rule," by adding corporate governance-related functions to the audit committee's responsibilities.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. § 186, 40 P.S. §§ 443, 1564, 1600.205 and 3225) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

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### Approval Order

Public Meeting Held  
November 17, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson;  
John F. Mizner, Esq., Vice Chairperson; W. Russell  
Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Transportation  
Authorizing Appropriately Attired Persons to Direct,  
Control or Regulate Traffic  
Regulation No. 18-461 (# 3083)*

On October 28, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 101. The proposed regulation was published in the November 8, 2014 *Pennsylvania Bulletin* with a public comment period ending on December 8, 2014. The final-form regulation was submitted to the Commission on October 17, 2016.

This regulation updates the list of persons authorized to direct traffic, minimum attire requirements and exempts a person at the scene of an emergency until an authorized person arrives.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. § 6103(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,  
Chairperson

[Pa.B. Doc. No. 16-2092. Filed for public inspection December 2, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 17, 2016, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. The filing was made in accordance with section 705 of the act of July 2, 1993 (P.L. 190, No. 44).

The filing proposes an April 1, 2017, effective date for both new and renewal business and includes the following revisions:

- An overall 6.80% decrease in collectible loss costs.
- An Employer Assessment Factor of 2.32%, as compared to the currently approved provision of 1.70%.
- Updates to a variety of other rating values to reflect the most recent available experience.

The entire April 1, 2017, loss cost filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 16-2093. Filed for public inspection December 2, 2016, 9:00 a.m.]

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### Private Passenger Motor Vehicle Liability Insurance Policies; Limited and Full Tort Data Reporting; Notice 2016-16

*To:* All Insurers Writing Private Passenger Motor Vehicle Insurance Policies in Pennsylvania

*From:* Mark Lersch, Property and Casualty Bureau Director, Office of Insurance Product Regulation

The purpose of this notice is to alert private passenger motor vehicle insurers that the Insurance Department (Department) has revised its plans to collect certain ratemaking data by the tort selection of the policyholder and the tort selection of the claimant as described in Department Notice 2016-08.

#### Background

Department Notice 2016-08 alerted private passenger motor vehicle insurers that the Department intended to begin collecting certain ratemaking data with its annual Act 6 of 1990 private passenger auto data call that will be due on October 15, 2017. As described in the notice, the Department intended to begin collecting the data necessary to study the savings associated with limited tort election under Pennsylvania's system of tort options established by 75 Pa.C.S.A. § 1705.

Included among the data reporting requirements listed in Notice 2016-08 was bodily injury ratemaking data to be reported separately by both the tort selection of the policyholder and the tort selection of the claimant.

Since the release of this notice, the Department has heard from a number of insurance carriers that have stated they do not currently have mechanisms in place that would allow for the accurate reporting of bodily injury ratemaking data by the tort selection of the claimant.

#### Requirements

In recognition of the difficulties associated with recording and reporting third party claimant data in such a manner, the Department will instead initially collect historical ratemaking data for uninsured and underinsured motorists coverages only. The data collected will allow the Department to determine whether a more comprehensive study, one that would include bodily injury ratemaking data by both the tort selection of the policyholder and the tort selection of the claimant, is necessary.

Questions regarding this notice may be directed to Michael McKenney, Property and Casualty Actuarial Supervisor, (717) 705-0166, mmckenney@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2094. Filed for public inspection December 2, 2016, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Tuesday, December 13, 2016.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, RN, BSN, MBA, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 16-2095. Filed for public inspection December 2, 2016, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petroleum Products Transportation Service

**A-2016-2575829. Laurel Pipe Line Company, LP.** Application of Laurel Pipe Line Company, LP for all necessary authority, approvals and certificates of public convenience to change the direction of petroleum products transportation service to delivery points west of Eldorado, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 19, 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.

*Applicant:* Laurel Pipe Line Company, LP

*Through and By Counsel:* Lillian S. Harris, Esquire, Garrett P. Lent, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; David B. MacGregor (ID # 28804), Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808; and Todd J. Russo, Esquire,

Senior Vice President, General Counsel and Secretary, Buckeye Partners, LP, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2096. Filed for public inspection December 2, 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 (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 December 19, 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.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2016-2572347. N & W Transportation, LLC** (222 Allen Street, West Hazleton, PA 18202) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Luzerne County, and return, within a 5-air-mile radius of the City of Hazleton, the Borough of West Hazleton and the Township of Hazle.

**A-2016-2573787. Quality Care Transportation Services, LLC** (3933 Jonestown Road, Harrisburg, Dauphin County, PA 17109) persons in paratransit service, limited to persons with disabilities, persons who require wheelchair or stretcher van service or persons over 65 years of age, from points in Dauphin and Cumberland Counties, to points in Pennsylvania, and return.

**A-2016-2574927. Adil Zayyoun** (27 McKelvey Avenue, Apartment 2, Edgewood, Allegheny County, PA 15218) persons in limousine service, from points in Allegheny County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2575783. Tastings and Tours, LLC, t/a Tastings and Tours** (1205 Mink Road, Perkasie, Bucks County, PA 18944) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Carbon, Chester, Delaware, Lancaster, Monroe, Montgomery, Pike, Schuylkill and Wayne, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval to begin operating as a broker for transportation of household goods as described under the application.**

**A-2016-2575610. Cartus Corporation** (40 Apple Ridge Road, Danbury, CT 06810) for a brokerage license evi-

dencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of household goods in use between points in Pennsylvania. *Attorney:* Jeffrey Cohen, Gulf Tower, Suite 3510, 707 Grant Street, Pittsburgh, PA 15219.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2016-2547517. AAA Cab Co.** (4458 Commerce Drive, Whitehall, Lehigh County, PA 18052) for the approval of the transfer of 51 shares of the issued stock, from Andre J. Dopwell, Sr., and 49 shares of the issued stock, from Andre J. Dopwell, Jr., to AMT Logistics, Inc. *Attorney:* Dawn K. Miller Medvesky, Esquire, 635 East High Street, P.O. Box 657, Pottstown, PA 19464.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2097. Filed for public inspection December 2, 2016, 9:00 a.m.]

**Transfer of Indirect Control**

**A-2016-2576092 and A-2016-2576161. Onvoy, LLC, Neutral Tandem-Pennsylvania, LLC and Inteligent, Inc.** Joint application of Onvoy, LLC, Neutral Tandem-Pennsylvania, LLC and Inteligent, Inc. for approval to transfer indirect control of Neutral Tandem-Pennsylvania, LLC to Onvoy, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 19, 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:* Onvoy, LLC; Neutral Tandem-Pennsylvania, LLC; Inteligent, Inc.

*Through and By Counsel:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; and Russell M. Blau, Esquire, Ronald W. Del Sesto, Jr., Esquire, Brett P. Ferenchak, Esquire, Morgan, Lewis & Bockius, LLP, 2020 K Street, NW, Suite 1100, Washington, DC 20006-1806

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2098. Filed for public inspection December 2, 2016, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Notice of Rescheduling of Sales of Wheelchair Accessible Taxicab Medallions

The Philadelphia Parking Authority's Board Order No. 16-001 (Authority Order), published at 46 Pa.B. 3776 (July 9, 2016), directed the Taxicab and Limousine Division (TLD) to administer the sale of 41 Philadelphia taxicab medallions, each of which are designated as wheelchair accessible vehicle (WAV) taxicab medallions. This notice included the date, time and location of the bid openings for each of these medallions.

However, under the Authority Order under Paragraph No. 10, TLD Director Michael Casey exercised his discretion to remove certain WAV medallions from the scheduled bid opening date on November 19, 2016, due to lack of participation of responsive bids. The TLD Director has rescheduled those sales under Paragraph No. 13 of the Authority Order. Therefore, an updated schedule is as follows:

*Scheduled Sale*

<i>Date</i>	<i>Medallion Nos.</i>
December 7, 2016	WP-1657, WP-1658, WP-1661, WP-1665, WP-1666, WP-1667, WP-1668, WP-1669, WP-1670 and WP-1671

Refer to the Authority Order published at 46 Pa.B. 3776 for all instructions for submitting bids and other information concerning the sales of these WAV medallions. Additionally, Form No. MA-1 (Bid Cover) may be obtained on the Authority's web site at [www.philapark.org/resources-and-forms/](http://www.philapark.org/resources-and-forms/). See also 52 Pa. Code §§ 1013.31—1013.37 (relating to medallion sales by the Authority).

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 16-2099. Filed for public inspection December 2, 2016, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 16-142.S, Cleaning Services at PRPA Administration Building, until 2 p.m. on Wednesday, January 4, 2017. Information can be obtained from [www.philaport.com](http://www.philaport.com) under "Our Port," then "Procurement" or call (215) 426-2600.

JEFF THEOBALD,  
*Executive Director*

[Pa.B. Doc. No. 16-2100. Filed for public inspection December 2, 2016, 9:00 a.m.]

# STATE CONSERVATION COMMISSION

## Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Drew Johnson 20575 Hammond Road Spring Run, PA 17262	Franklin County/ Fannett Township	682.8	Swine	New	Approved
Scott and Andrew Brinton Riverview Farms 241 Riverview Road Peach Bottom, PA 17563	Lancaster County/ Fulton Township	160	Layers	New	Approved
Round Hill Poultry 6108 Carlisle Road East Berlin, PA 17316	Adams County/ Reading Township	156.6	Turkey	New	Approved
Clair Burkholder 316 Center Road Quarryville, PA 17566	Lancaster County/ East Drumore Township	100	Layers	New	Approved
Arlin and Eldon Weaver 201 Bullshead Road Newville, PA 17241	Cumberland County/ North Newton Township	319	Swine	New	Approved
James Landis 825 Little Britain Road North Quarryville, PA 17566	Lancaster County/ Little Britain Township	164.22	Broilers	Amended	Approved
Joe Jurgielewicz & Sons, LTD—Hegins Farm 886 Mountain Road Hegins, PA 17938	Schuylkill County/ Hegins Township	0	Duck	New	Approved
Skull Hill Dairy Charles L. Zimmerman 1056 Rake Road Mohrsville, PA 19541	Berks County/ Center Township	146.2	Layers	Existing	Rescind
Joseph Wagner 314 Les Hughes Road Beaver Springs, PA 17812	Snyder County/ Spring Township	226.65	Broilers/Cattle	New	Approved

## NOTICES

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Matt Nolt 131 Krumstown Road Myerstown, PA 17067	Lebanon County/ Millcreek Township	206.1	Broilers	New	Approved
John B. Stoltzfus, Jr. 1424 Landisville Road Manheim, PA 17545	Lancaster County/ East Hempfield Township	13.73	Cattle	New	Approved

PATRICK McDONNELL,  
*Acting Chairperson*

[Pa.B. Doc. No. 16-2101. Filed for public inspection December 2, 2016, 9:00 a.m.]



