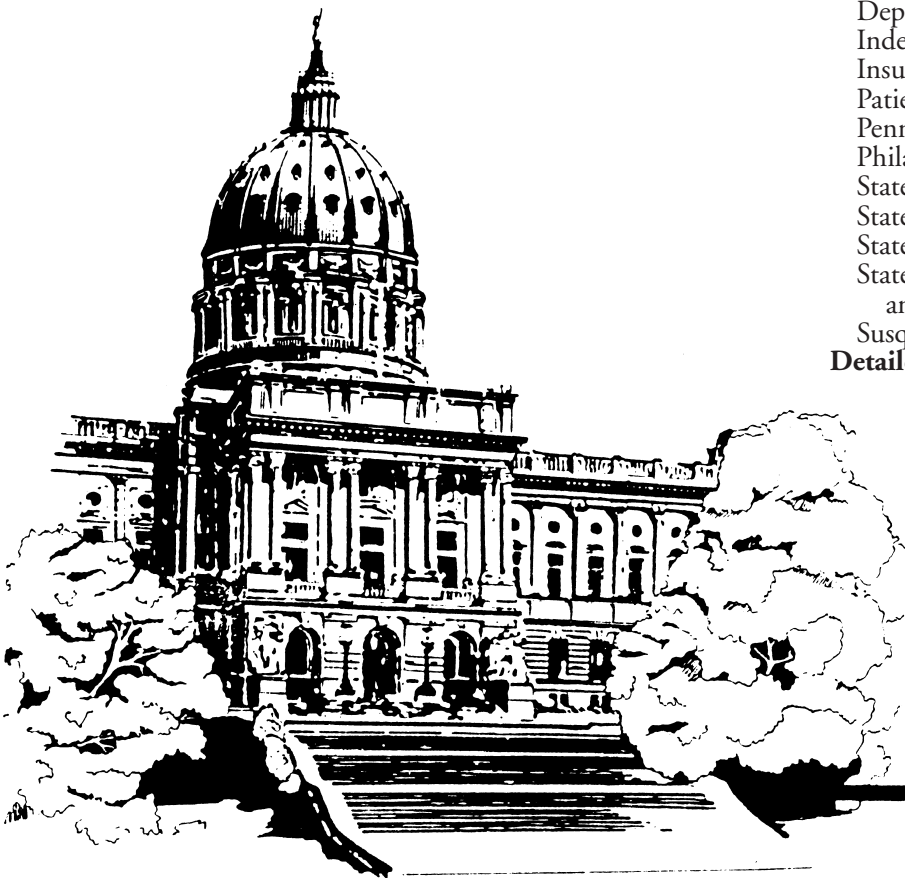


# PENNSYLVANIA BULLETIN

Volume 47  
Saturday, January 14, 2017 • Harrisburg, PA  
Number 2  
Pages 171—282

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State Board of Crane Operators  
State Board of Nursing  
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Susquehanna River Basin Commission  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 506, January 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Damages for Delay

##### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2017)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 3, 2017	3 3/4
January 4, 2016	3 1/2
January 2, 2015	3 1/4
January 2, 2014	3 1/4
January 2, 2013	3 1/4
January 3, 2012	3 1/4
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

**Official Note:** The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania*

*Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

*By the Civil Procedural Rules Committee*

WILLIAM S. STICKMAN, IV,  
*Chair*

[Pa.B. Doc. No. 17-42. Filed for public inspection January 13, 2017, 9:00 a.m.]

#### PART I. GENERAL

[ 231 PA. CODE CHS. 400 AND 1000 ]

#### Order Amending Rules 410, 430, 1064 and 1065 of the Rules of Civil Procedure; No. 656 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 30th day of December, 2016, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a):

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 410, 430, 1064, and 1065 of the Pennsylvania Rules of Civil Procedure are 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 400. SERVICE OF ORIGINAL PROCESS

##### SERVICE IN PARTICULAR ACTIONS

#### Rule 410. Real Property Actions.

\* \* \* \* \*

(c) If service is made pursuant to an order of court under Rule 430(a), the court shall direct one or more of the following methods of service:

(1) publication as provided by Rule 430(b),

**Official Note:** See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral, oil, or natural gas rights.

\* \* \* \* \*



**SERVICE PURSUANT TO SPECIAL ORDER OF COURT**

**Rule 430. Service Pursuant to Special Order of Court. Publication.**

(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

**Official Note:** A sheriff's return of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. *Gonzales v. Polis*, 357 A.2d 580 (Pa. Super. 1976). Notice of intended adoption mailed to last known address requires a "good faith effort" to discover the correct address. *Adoption of Walker*, 360 A.2d 603 (Pa. 1976).

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search.

See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral, **oil, or natural gas** rights.

\* \* \* \* \*

**CHAPTER 1000. ACTIONS**

**Subchapter D. ACTION TO QUIET TITLE**

**Rule 1064. Service.**

In actions involving subsurface mineral, **oil, or natural gas** rights, if the plaintiff seeks to serve original process by publication pursuant to Rule 430 and obtains actual knowledge of a last known address of the defendant outside the county in which the property is located, the plaintiff shall explain in the affidavit required by Rule 430(a) the search for the defendant in that locale.

**Official Note:** For service of original process, see Rule 410 governing service in actions involving real property. See Rule 430 for additional requirements for service of original process by publication.

**Rule 1065. Specific Avertisments.**

(a) Except as provided in subdivision (b), the plaintiff shall describe the land in the complaint.

(b) In an action to quiet title involving subsurface mineral, **oil, or natural gas** rights, the complaint shall describe the land by attaching:

(1) a summary of the abstract of the mineral, **oil, or natural gas** title, or the full abstract of the mineral, **oil, or natural gas** title if the title documents are not available in the courthouse records, and

(2) a statement of acreage involved that includes a metes and bounds description, if available, or other description sufficient to identify the subject land.

**EXPLANATORY COMMENT**

Recent amendments to Rules 410, 430, 1064, and 1065 updated the requirements for the service by publication authorized by special order of court for actions to quiet

title of subsurface mineral rights. These rules have been further amended to clarify that this procedure specifically applies to actions to quiet title of oil and natural gas rights.

*By the Civil Procedural Rules Committee*

WILLIAM S. STICKMAN, IV,  
*Chair*

[Pa.B. Doc. No. 17-43. Filed for public inspection January 13, 2017, 9:00 a.m.]

**Title 234—RULES OF CRIMINAL PROCEDURE**

[ 234 PA. CODE CH. 1 ]

**Proposed Rescission of Rule 107 and Adoption of New Rule 107**

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the rescission of current Rule 107 (Contents of Subpoenas) and the adoption of new Rule 107 (Subpoenas) 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:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, 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 Criminal Procedural Rules Committee*

CHARLES A. EHRlich,  
*Chair*

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION  
AND DEFINITIONS, LOCAL RULES**

**PART A. Business of the Courts**

Rule 107. [ Contents of Subpoena ] (Reserved).

[ A subpoena in a criminal case shall order the witness named to appear before the court at the

date, time, and place specified, and to bring any items identified or described. The subpoena shall also state on whose behalf the witness is being ordered to testify and the identity, address, and phone number of the attorney, if any, who applied for the subpoena.

#### Comment

The form of subpoena was deleted in 1985 because it is no longer necessary to control the specific form of subpoena by rule.

It is intended that the subpoena shall be used not only for trial but also for any other stage of the proceedings when a subpoena is issuable, including preliminary hearings, hearings in connection with pretrial and post-trial motions, etc.

When the subpoena is for the production of documents, records, or things, these should be specified. ]

**Official Note:** Previous Rule 9016 adopted January 28, 1983, effective July 1, 1983; rescinded November 9, 1984, effective January 2, 1985. Present Rule 9016 adopted November 9, 1984, effective January 2, 1985; renumbered Rule 107 and amended March 1, 2000, effective April 1, 2001; rescinded , 2017, effective , 2017, and replaced by new Rule 107.

#### Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Report explaining the rescission of Rule 107 and the adoption of new Rule 107 establishing procedures for the issuance, service, and content of subpoenas published for comment at 47 Pa.B. 181 (January 14, 2017).**

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

#### Rule 107. Service and Contents of Subpoenas.

##### (A) ISSUANCE OF SUBPOENA BY MINOR JUDICIARY

Upon the request of a party, the issuing authority may issue a subpoena.

(1) The individual requesting the subpoena shall provide the issuing authority with the information required in paragraph (C).

(2) If the subpoena is to be issued, the issuing authority shall fill in the information provided.

(3) The subpoena shall be signed by and under the seal of the issuing authority.

##### (B) SERVICE OF SUBPOENA

(1) Subpoenas in criminal proceedings shall be served:

(a) by a competent adult personally delivering the subpoena to a witness; or

(b) by certified, registered, or first class mail to a witness; or

(c) by carrier service delivering the subpoena to a witness; or

(d) when the witness is an officer of a law enforcement agency that has filed the statement of consent provide in paragraph (B)(2), by electronically transmitting a copy of the subpoena, acknowledgement of receipt requested, to the electronic address designated for receipt of electronic

service of subpoenas by the law enforcement agency to which the officer is assigned.

(2) In order to utilize electronic service of subpoenas for its officers as permitted under paragraph (B)(1)(d), a law enforcement agency shall file a statement of consent to this form of service with the clerk of courts and the issuing authorities from which the agency consents to accept this form of service. The consent shall include the electronic address to be used for service of subpoenas.

(3) If a subpoenaed witness is under the age of 18, a parent or guardian of the witness shall be served a copy of the subpoena. A subpoena may be served on a witness under the age of 18 without the requirement of serving a parent or guardian if permitted by the judge for good cause shown.

(4) The party requesting the subpoena shall be responsible for the service of the subpoena.

##### (C) CONTENTS OF SUBPOENA

(1) A subpoena in a criminal proceeding shall:

(a) order the witness named to appear before the court at the date, time, and place specified to give testimony and to bring any records, books, papers, documents, data, or other items identified or described in the subpoena;

(b) state on whose behalf the witness is being ordered to testify;

(c) state the name, address, and phone number of the individual who applies for the subpoena; and

(d) inform the witness that the failure to comply with the subpoena may be considered by the court as grounds for contempt and that a bench warrant may be issued for the witness' arrest.

(2) The contents of a subpoena, including the identity of the subpoenaed person, are not public records.

#### Comment

It is intended that the subpoena will be used not only for summary trials or trials in the courts of common pleas and the Philadelphia Municipal Court, but also for any other stage of the proceedings before the minor judiciary, Philadelphia Municipal Court, or common pleas court when a subpoena is issuable, including preliminary hearings, hearings in connection with pretrial and post-trial motions, etc. For the procedures governing investigating grand jury subpoenas, see 42 Pa.C.S. § 4548.

Paragraph (A) provides the procedures for the issuance of subpoenas by the minor judiciary. Nothing in this rule is intended to change the current subpoena practice for the issuance of subpoenas by the courts of common pleas.

When issuing a subpoena, the issuing authority may limit the scope of the subpoena to persons, documents, or things that are relevant to the cause of action before the issuing authority.

A subpoena is not to be used for the production of materials or information required or requested to be produced pursuant to rules 573 or 574.

All issued subpoenas must be signed by a judge of the court issuing the subpoena. The signature may be in any of the forms of signature authorized in the Rule 103 definition of "signature."

The service provisions in paragraph (B) apply to subpoenas issued by the judges of the courts of common pleas, the magisterial district courts, the Philadelphia Municipal Court, and the Pittsburgh Municipal Court.

Paragraph (B)(1)(d) permits service by electronic means when the witness is a law enforcement officer. This method of service may be utilized for subpoenas issued by a judge of the court of common pleas or the minor judiciary. When a law enforcement agency files the certification in paragraph (B)(2) consenting to electronic service, the agency is assuming the responsibility of accepting electronically-served subpoenas and ensuring that the correct member of the agency is notified to appear as required by subpoenas.

It is intended under paragraph (B)(3) that parties subpoenaing witnesses under the age of 18 are responsible for any additional costs for the service of the subpoena on a parent or guardian.

Nothing in paragraph (B)(3) gives the parent or guardian of a witness under the age of 18 legal standing in the matter being heard or creates a right for the minor witness to have his or her parent or guardian present. In addition, lack of required notice to a parent or guardian does not prevent the minor witness from appearing and testifying.

As noted in paragraph (B)(4), service is the responsibility of the party requesting the subpoena not the court.

Concerning service of subpoenas by first class mail and proof of service, see 42 Pa.C.S. § 5904.

Paragraph (C) sets forth the mandatory contents of the subpoena. Although this paragraph does not require that the address of the person being subpoenaed be included on the subpoena, this is not intended to prohibit inclusion of the address on the subpoena for purposes of service. When the subpoena is for the production of records, books, papers, documents, photographs, data, or other items, these must be specified in the subpoena. Concerning subpoenas for medical records, see 42 Pa.C.S. §§ 6151–6160.

Although paragraph (C)(1)(a) requires the name of the witness to be included in the subpoena, in cases in which a specific name is not known, for example when the subpoena is for records from a hospital and the name of the record keeper is not available at the time the subpoena is issued, this requirement may be satisfied by providing a description of the person to receive the subpoena such as “records custodian.”

Pursuant to paragraph (C)(2), the contents of subpoenas are not public records and not accessible by the public.

Before issuing a bench warrant for failure to obey the subpoena, the judge or issuing authority must ensure that the subpoenaed person has received sufficient notice of the proceeding. The requesting party has the burden of presenting proof of service. If the judge determines the person did not have sufficient notice, the judge may grant a continuance and order that the person be served the subpoena either in person or by certified mail, return receipt requested.

For the procedures following the execution of a bench warrant, see Rules 150 and 151.

The scope of an issuing authority’s authority to enforce a subpoena is limited by statute. See 42 Pa.C.S. § 4137(d), that provides, *inter alia*, issuing authorities “shall have the power to issue an attachment by means of a warrant” to have the witness brought before the issuing authority for a hearing on the failure to comply with the subpoena. See also, Rule 140(B)(1).

**Official Note:** Previous Rule 9016 adopted January 28, 1983, effective July 1, 1983; rescinded November 9, 1984, effective January 2, 1985. Present Rule 9016 adopted November 9, 1984, effective January 2, 1985; renumbered Rule 107 and amended March 1, 2000, effective April 1, 2001; rescinded , 2017, effective , 2017, and replaced by new Rule 107. New Rule 107 adopted , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the rescission of Rule 107 and the adoption of new Rule 107 establishing procedures for the issuance, service, and content of subpoenas published for comment at 47 Pa.B. 181 (January 14, 2017).

## REPORT

### **Proposed Rescission of Pa.R.Crim.P. 107 and Adoption of New Pa.R.Crim.P. 107**

#### **Procedures for Issuance and Service of Subpoenas**

##### *Background*

The Committee at various times since 2004 has worked on developing procedures that would govern subpoenas. After extensive study into the different procedures governing subpoenas in Pennsylvania, including the formulation of a subcommittee, study of the various rules and statutes governing subpoenas in other forums,<sup>1</sup> and the publication of several prior versions of this proposal,<sup>2</sup> as well as discussion with the Court regarding the proposal, the Committee concluded that the rules would benefit from providing more clarity as to the procedures for the issuance and service of subpoenas, particularly in the magisterial district courts. The proposed rule changes would create a new Rule 107 that would set forth the procedures for the issuance and service of subpoenas in addition to the provisions contained in current Rule 107 regarding content.

##### *A. Issuance*

Paragraph (A) would provide the procedures for the issuance of a subpoena in cases pending before the minor judiciary. The issuing authority would be given some discretion in paragraph (A) comparable to the discretion given magisterial district judges in civil cases pursuant to MDJ Rule 214. Additionally, the requesting individual would be required to provide the information required by paragraph (C) for the contents of the subpoena, and the issuing authority is required to fill in the subpoena with this information. All subpoenas issued by a member of the minor judiciary must be signed by the issuing authority. Given the diversity of practice in the courts of common pleas, the proposed rule does not provide specific procedures for the issuance of subpoenas by the courts of common pleas but language would be added to the Comment to the new rule that no change to existing practice is intended.

<sup>1</sup> See, e.g., the Rules of Criminal Procedure (Criminal Rules) (Rule 107), the Rules of Civil Procedure (Civil Rules) (Rules 234.1, 234.2, 234.5, and 234.6), and the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (MDJ Rules) (Rules 213 and 214), and 42 Pa.C.S. §§ 5904 (Subpoena of Witnesses) and 5905 (Subpoenas).

<sup>2</sup> See 35 Pa.B. 1556 (March 5, 2005), 35 Pa.B. 5676 (October 15, 2005), and 45 Pa.B. 2140 (May 2, 2015).

### B. Service

Paragraph (B) would set forth the requirements for service of the subpoena. The proposed service provisions in paragraph (B) are a combination of provisions from Rule 576(B) and from Minor Court Rule 214, and provide for personal service by a competent adult; service by certified, registered, or first class mail; or service by a carrier service.

In response to the most recent prior publication, the Committee received a suggestion that a provision be added permitting the electronic service of subpoenas to law enforcement agencies due to the large number of subpoenas issued to these entities. It was suggested that this practice is already in place in many jurisdictions and that it has resulted in significant savings of time, money and labor for prosecutors' offices. The Committee therefore incorporated this suggestion into paragraph (B)(1)(d) and (B)(2) of the new rule. In order to utilize this form of service, a written consent to be served with subpoenas electronically must be filed by the law enforcement agency with the clerk of courts and any issuing authorities from whom the agency is willing to accept e-service. Language would be added to the Comment that explains, when a law enforcement agency files a consent to be served electronically, the agency assumes the responsibility of accepting electronically-served subpoenas and ensuring the correct member of the agency is notified to appear as required by the subpoena.

Provisions concerning parental notification when the subpoenaed witness is under the age of 18 are included in paragraph (B)(3). The Committee recognized that not all individuals under the age of 18 are under the supervision or control of a parent or guardian and some are emancipated. In view of this, a provision similar to Juvenile Rule 123(E)(2) that would provide an exception to the service requirement when permitted by a judge for good cause shown has been added as the second sentence of paragraph (B)(2). Additionally, the Comment explains that the party subpoenaing the minor bears the responsibility for the costs of service on the parent, that the service provision does not provide legal standing or give the parent or guardian any right to be present, and that lack of the required notice does not prevent the minor witness from appearing and testifying.

Paragraph (B)(4) would provide that the party requesting the subpoena shall be responsible for the service of the subpoena. This provision was added in response to the report of the practice in some jurisdictions that the police were insisting that MDJs be responsible for serving subpoenas requested by the police.

### C. Contents

Paragraph (C) sets forth the contents of the subpoena, incorporating the provisions in current Rule 107. Additionally, paragraph (C)(1)(c) requires that the subpoena include the name and address for service on the person applying for the subpoena. Paragraph (C)(1)(d) provides that the subpoena shall "inform the witness that the failure to comply with the subpoena may be considered by the court as grounds for contempt and that a bench warrant may be issued for the witness' arrest."

The Committee considered the concern that as a judicially signed document, a subpoena would be part of the public record. There was a concern such disclosure potentially could expose the witness to privacy invasion or intimidation or retribution. The Committee concluded that such concerns were valid and agreed that the rule should state that the contents of the subpoena, including

to whom the subpoena was issued, should be not be considered a public record. This provision would be contained in the new rule as paragraph (C)(2).

### D. Comment Provisions

In addition to the provisions noted above, the Comment to new Rule 107 would include an explanation that subpoenas issued by Philadelphia Municipal Court judges are to be issued as provided in this rule. In addition, the Comment emphasizes that the subpoenas must be signed by a judge of the issuing court (common pleas court, Philadelphia Municipal, or magisterial district courts), and includes a cross-reference to the Criminal Rule 103 definition of "signature" to make it clear that the subpoena may be signed using any of the forms of signature set forth in Rule 103. The Comment also includes cross-references to 42 Pa.C.S. § 4137 and Pa.R.Crim. P. 140 to make it clear that subpoenas issued pursuant to paragraph (A) are subject to the minor court contempt powers.

[Pa.B. Doc. No. 17-44. Filed for public inspection January 13, 2017, 9:00 a.m.]

## [ 234 PA. CODE CHS. 2 AND 5 ]

### Proposed Amendment of Pa.Rs.Crim.P. 203 and 513

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendments of Rule 203 (Requirements for Issuance.) and Rule 513 (Requirements for Issuance; Dissemination of Arrest Warrant Information) 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:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, 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 Criminal Procedural  
Rules Committee*

CHARLES A. EHRlich,  
*Chair*

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 203. Requirements for Issuance.

\* \* \* \* \*

(C) Immediately prior to submitting a search warrant application and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by telephone, or by any device which, at a minimum, allows for simultaneous [ audio-visual ] audio communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant. In any telephonic communication, if the issuing authority has a concern regarding the identity of the affiant, the issuing authority has the discretion to require the affiant to communicate by a device allowing for two-way simultaneous communication or may require the affiant to appear in person.

\* \* \* \* \*

Comment

\* \* \* \* \*

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

[ The "visual" requirement in paragraph (C) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received. ]

Verification methods include, but are not limited to: a "call back" system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a "signature comparison" system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established "password" system.

Paragraph (F) was added to the rule in 2005 to provide for anticipatory search warrants. The rule incorporates the definition of anticipatory search warrants set forth in Commonwealth v. Glass, 562 Pa. 187, 754 A.2d 655 (2000).

Paragraph (G) was added to clarify who must retain possession of the original of the search warrant. When the search warrant is issued using advanced communication technology, the version delivered to the police officer is considered the original for purposes of this rule.

Official Note: Rule 203 adopted March 28, 1973, effective for warrants issued 60 days hence; renumbered Rule 203 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006; amended October 22, 2013, effective January 1, 2014; amended , 2017, effective , 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the October 22, 2013 amendments regarding the original search warrants published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).

Report explaining the proposed amendments regarding electronic technology for swearing affidavits published for comment at 47 Pa.B. 184 (January 14, 2017).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 513. Requirements for Issuance; Dissemination of Arrest Warrant Information.

\* \* \* \* \*

(B) ISSUANCE OF ARREST WARRANT

(1) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

(2) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(3) Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by telephone, or by any device which, at a minimum, allows for simultaneous [ audio-visual ] audio communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant. In any telephonic communication, if the issuing authority has a concern regarding the identity of the affiant, the issuing authority has the discretion to require the affiant to communicate by a device allowing for two-way simultaneous communication or may require the affiant to appear in person.

\* \* \* \* \*

Comment

This rule was amended in 2013 to add provisions concerning the delay in inspection and dissemination of arrest warrant information. Paragraph (A) provides a definition of the term "arrest warrant information" that is used throughout the rule. Paragraph (B) retains the existing requirements for the issuance of arrest warrants. Paragraph (C) establishes the procedures for a temporary delay in the inspection and dissemination of arrest warrant information prior to the execution of the warrant.

ISSUANCE OF ARREST WARRANTS

Paragraph (B)(1) recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be

reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant. The language “sworn to before the issuing authority” contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph (B)(3).

This rule carries over to the arrest warrant the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. See Rule 203. For a discussion of the requirement of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, [ 24 Pa.Super. 198, ] 369 A.2d 362 (Pa. Super. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

An affiant seeking the issuance of an arrest warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

[ The “visual” requirement in paragraph (B)(3) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received. ]

Verification methods include, but are not limited to: a “call back” system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a “signature comparison” system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established “password” system.

Under Rule 540, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

\* \* \* \* \*

**Official Note:** Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended December 23, 2013, effective March 1, 2014; amended , 2017, effective , 2107.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the December 23, 2013 amendments providing procedures for delay in dissemination and sealing of arrest warrant information published with the Court’s Order at 44 Pa.B. 243 (January 11, 2014).

**Report explaining the proposed amendments regarding electronic technology for swearing affidavits published for comment at 47 Pa.B. 184 (January 14, 2017).**

**REPORT**

***Proposed Amendments of Pa.Rs.Crim.P. 203 and 513***  
**Face-to-Face Requirement for Verification of Affidavits**

The Committee has recently received a suggestion to amend the provisions of Rule 203 concerning the use of advanced communications technology for submitting search warrant affidavits. The suggestion was to eliminate the “face-to-face” requirement for the swearing of an affidavit in support of a search warrant application and permit the swearing to be done telephonically. Rule 203(C) provides:

(C) Immediately prior to submitting a search warrant application and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by any device which, at a minimum, allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

Additionally, the Comment states that “[t]he ‘visual’ requirement in paragraph (C) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received.”

It was suggested that the face-to-face requirement of the rule can present significant impediments to using advance communication technology to obtain search warrants. This is especially critical when time is of the essence, such as in DUI cases, where ethanol or other intoxicants dissipate quickly. Officers who seek to obtain search warrants face significant obstacles if they must travel to a site with audio-visual conferencing equipment or to an issuing authority’s office to have a face-to-face appearance. These obstacles are more onerous at nighttime and in the more remote parts of the Commonwealth. Furthermore, it was noted that the federal courts have permitted telephonic submissions for many years. See Federal Rules of Criminal Procedure 4.1 and 41.

The current “face-to-face” requirement was added as part of the 2002 rule changes that first permitted the use of advanced communications technology (ACT) in the application process for search and arrest warrants. At that time, the Committee explained this change as follows:

In devising the new ACT procedures, the Committee agreed that the rules should continue to require the ‘written’ affidavits, yet allow for the writing to be submitted using ACT equipment. In addition, we agreed that an important concept for the new procedure would be to require the issuing authority to verify the identity of the affiant, and to maintain the requirement that the issuing authority administer an oath to the affiant. Under the new procedure, the issuing authority and the affiant may communicate from separate locations, and the issuing authority will be able to use ACT to verify the identity of the affiant and administer the oath before the required documentation is transmitted... Unlike the provisions in Federal Rule 41 that permit oral requests for warrants without the requirement of a “face-to-face” encounter, Rules 203 (Requirements for Issuance) and

513 (Requirements for Issuance) do not permit a warrant to issue based on oral testimony alone, and require that the issuing authority using ACT must be able to see the affiant when the oath is administered. 32 Pa.B. 2591 (May 25, 2002).

The Committee noted that when the original proposal was developed, the Committee had published a version of this proposal that included telephonic administration of the oath. See 29 Pa.B. 4426 (August 21, 1999). At that time, the Committee did not distinguish between telephonic and two-way simultaneous audio-visual communication for warrant affidavit verification but rather discussed the issue in terms of advance communications technology that includes both. The Committee was satisfied that any form of ACT was sufficient for the constitutional requirements of warrant issuance. Subsequently, the face-to-face requirement was incorporated into the amendments approved in 2002. The face-to-face requirement appears to have been added as a means of guaranteeing the identity of the affiant. Since this provision was added at the time that ACT first was going to be permitted, there may have been unease with the new technology without this additional guarantee of the affiant's identity.

In examining this issue, the Committee studied federal practice in this area at some length. As noted above, the federal system has permitted the use of "reliable electronic means" for search applications for some time. Originally formulated as part of F.R.Crim.P. 41, the procedures for the use of this type of technology currently are contained in F.R.Crim.P. 41. The Notes to F.R.Crim.P. 41 from the time when these provisions were added discuss the concept of "reliable electronic means":

The term "electronic" is used to provide some flexibility to the rule and make allowance for further technological advances in transmitting data. Although facsimile transmissions are not specifically identified, the Committee envisions that facsimile transmissions would fall within the meaning of "electronic means."

While the rule does not impose any special requirements on use of facsimile transmissions, neither does it presume that those transmissions are reliable. The rule treats all electronic transmissions in a similar fashion. Whatever the mode, the means used must be "reliable." While the rule does not further define that term, the Committee envisions that a court or magistrate judge would make that determination as a local matter. In deciding whether a particular electronic means, or media, would be reliable, the court might consider first, the expected quality and clarity of the transmission. For example, is it possible to read the contents of the warrant in its entirety, as though it were the original or a clean photocopy? Second, the court may consider whether security measures are available to insure that the transmission is not compromised. In this regard, most courts are now equipped to require that certain documents contain a digital signature, or some other similar system for restricting access. Third, the court may consider whether there are reliable means of preserving the document for later use.

Pennsylvania has had over a decade of experience with remote submission of warrant applications with little problem, easing some of the apprehension that may have existed when use of this technology was first introduced in 2002. The Committee also noted that telephonic verification appears to have worked with little problem in the

federal system. While there is potential for telephonic submissions to be abused, the Committee has concluded that this potential problem could be addressed by means other than requiring video-conferencing in every case. The Committee is therefore proposing an amendment to Rule 213 similar to that proposed in 1999 that would permit telephonic verification.

Although the rule already provides for issuing authority discretion in using ACT at all, the Committee concluded that a direct statement regarding telephonic verification would be helpful. Therefore, an additional provision would be added to paragraph (C) that would permit an issuing authority to refuse a telephonic application if there is a question regarding the applicant's identity. This would be consistent with the federal system that permits such assurance as a "local matter."

Although the original suggestion related only to search warrant applications, the Committee's 1999 proposal included arrest warrant submissions and would have permitted telephonic submission there as well. As with Rule 203, Rule 513 (Requirements for Issuance; Dissemination of Arrest Warrant Information) contains similar language regarding face-to-face verification of the affidavit of probable cause. The Committee concluded that the same concerns and rationale applied to arrest warrant applications as well. Therefore similar amendments are being proposed for Rule 513.

[Pa.B. Doc. No. 17-45. Filed for public inspection January 13, 2017, 9:00 a.m.]

## [ 234 PA. CODE CH. 5 ]

### Order Amending Rule 564 of the Rules of Criminal Procedure; No. 484 Criminal Procedural Rules Doc.

#### Order

#### *Per Curiam*

And Now, this 21st day of December, 2016, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 45 Pa.B. 7287 (December 26, 2015), and a Final Report to be published with this Order:

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Pennsylvania Rule of Criminal Procedure 564 are adopted, in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 21, 2017.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART F. Procedures Following a Case Held for Court

#### Rule 564. Amendment of Information.

The court may allow an information to be amended [ **when there is a defect in form, the description of the offense(s), the description of any person or any property, or the date charged, provided the information as amended does not charge an additional**

or different offense ], provided that the information as amended does not charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge that the defendant would be unfairly prejudiced. Upon amendment, the court may grant such postponement of trial or other relief as is necessary in the interests of justice.

#### Comment

The rule was amended in 2016 to more accurately reflect the interpretation of this rule that has developed since it first was adopted in 1974. See *Commonwealth v. Brown*, 727 A.2d 541 (Pa. 1999). See also *Commonwealth v. Beck*, 78 A.3d 656 (Pa. Super 2013); *Commonwealth v. Page*, 965 A.2d 1212 (Pa. Super. 2009); *Commonwealth v. Sinclair*, 897 A.2d 1218 (Pa. Super. 2006).

**Official Note:** Rule 229 adopted February 15, 1974, effective immediately; renumbered Rule 564 and amended March 1, 2000, effective April 1, 2001; amended December 21, 2016, effective December 21, 2017.

#### Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

Final Report explaining the December 21, 2016 amendment regarding the standard for amendment published with the Court's Order at 47 Pa.B. 186 (January 14, 2017).

### FINAL REPORT<sup>1</sup>

#### Proposed Amendment of Pa.R.Crim.P. 564

##### Addition of Offenses to the Criminal Information

On December 21, 2016, effective December 21, 2017, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendment of Rule 564 (Amendment of Information) to more accurately reflect the interpretation of this rule that has developed since it first was adopted in 1974. Rule 564 provides that the court may allow an information to be amended as long as the amended information "does not charge an additional or different offense." It was suggested by one of the Committee members that case law has interpreted the rule more broadly than a plain reading of the language would indicate.

Rule 564 was adopted as Rule 229 in 1974. Except for renumbering as part of the general reorganization of the Rules of Criminal Procedure in 2000, the language of the rule has remained virtually unchanged since its initial adoption. There has been a considerable body of case law interpreting whether amendments that add new offenses are permissible under the rule. As defined in these cases, the purpose of Rule 564 (or then-Rule 229) is to ensure that a defendant is fully apprised of the charges, and to avoid prejudice to the defendant by prohibiting the last minute addition of alleged criminal acts of which the defendant is uninformed. See, e.g. *Commonwealth v. Lawton*, 414 A.2d 658 (Pa. Super. 1979). Courts apply the rule allowing amendment of a defective information with an eye toward its underlying purposes and with a commitment to do justice rather than be bound by a literal or narrow reading of the procedural rules. *Commonwealth v. Roser*, 914 A.2d 447 (Pa. Super. 2006), *appeal denied* 927

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

A.2d 624 (Pa. 2007). In effecting this purpose, the courts employ the test of whether the crimes specified in the original information involved the same basic elements and evolved out of the same factual situation as the crimes specified in the amended information. If so, the defendant is deemed to have been placed on notice regarding the alleged criminal conduct. However, if the amended provision alleges a different set of events, or the elements or defense to the amended crime are materially different from the elements or defense to the crime originally charged, so that the defendant would be prejudiced by the change, then amendment is not permissible. *Commonwealth v. Page*, 965 A.2d 1212 (Pa. Super. 2009). See also, *Commonwealth v. Beck*, 78 A.3d 656 (Pa. Super 2013). Factors that the trial court must consider in determining whether a defendant was prejudiced by an amendment include: (1) whether the amendment changes the factual scenario supporting the charges; (2) whether the amendment adds new facts previously unknown to the defendant; (3) whether the entire factual scenario was developed during a preliminary hearing; (4) whether the description of the charges changed with the amendment; (5) whether a change in defense strategy was necessitated by the amendment; and (6) whether the timing of the Commonwealth's request for amendment allowed for ample notice and preparation. *Commonwealth v. Sinclair*, 897 A.2d 1218 (Pa. Super. 2006), *citing Commonwealth v. Grekis*, 601 A.2d 1284 (Pa. Super. 1992).

The most recent Pennsylvania Supreme Court case dealing with Rule 564 is *Commonwealth v. Brown*, 727 A.2d 541 (Pa. 1999), which held that, since the purpose of the information is to apprise the defendant of the charges against him so that he may have a fair opportunity to prepare a defense, an amendment should be precluded only when the variance between the original and the new charges prejudices a defendant by, for example, rendering defenses which might have been raised against the original charges ineffective with respect to the substituted charges. In this case, an amendment of the information changing the charge from one of sexual assault using force to one of sexual assault on an unconscious person was not proper because it prejudiced the defendant due to the differences in potential defenses available.

Based on the foregoing history and analysis, the Committee concluded that the language of the rule did not accurately reflect the correct standards, as developed by the courts, for allowance of amendment of the information. Therefore, the language of the rule has been amended to reflect that a court may allow the information to be amended provided that the amended information does not "charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge such that the defendant would be unfairly prejudiced" and cross-references to the pertinent case law have been added to the Comment.

[Pa.B. Doc. No. 17-46. Filed for public inspection January 13, 2017, 9:00 a.m.]

### [ 234 PA. CODE CH. 10 ]

#### Proposed Amendment to Pa.R.Crim.P. 1006

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 1006 (Notice of Right to Appeal or to Petition for *Certiorari*; Guilty Plea Challenge Procedure.)



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:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, 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 Criminal Procedural  
Rules Committee*

CHARLES A. EHRlich,  
*Chair*

## Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

#### PART A. Philadelphia Municipal Court Procedures

#### Rule 1006. Notice of Right to Appeal or to Petition for *Certiorari*; Guilty Plea Challenge Procedure.

(A) Immediately after the imposition of sentence, the judge shall inform the defendant:

\* \* \* \* \*

(3) in any case, of the right to counsel to represent the defendant on appeal and of the right to have counsel appointed to represent the defendant on appeal in the event the defendant is unable to afford counsel.

**(B) After a petition for writ of *certiorari* or notice of appeal for trial *de novo* is filed, the Municipal Court shall take no further action in the case, unless otherwise provided in these Rules.**

#### Comment

For the right to file a petition for a writ of *certiorari* to the court of common pleas, see Article V, Section 26 of the Pennsylvania Constitution, and the Judicial Code, 42 Pa.C.S. § 934. See also *Commonwealth v. Speights*, 509 A.2d 1263 (Pa. Super. 1986) (petition challenging sufficiency of the evidence), and *Commonwealth v. Frazier*, 471 A.2d 866 (Pa. Super. 1984) (petition alleging that judge erred in denying motion to suppress). *Certiorari* is available in non-summary cases only. Compare Rule 460.

**Official Note:** Rule 6006 adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective

August 1, 1980; amended February 21, 1996, effective July 1, 1996; renumbered Rule 1006 and amended March 1, 2000, effective April 1, 2001; **amended** , **2017**, **effective** , **2017**.

#### *Committee Explanatory Reports:*

Final Report explaining the February 21, 1996 amendments published with the Court's Order at 26 Pa.B. 991 (March 9, 1996).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Report explaining the proposed amendment regarding the effect that taking an appeal has on the ability of the Municipal Court to take further action in a case published for comment at 47 Pa.B. 187 (January 14, 2017).**

## REPORT

### *Proposed Amendments to Pa.R.Crim.P. 1006*

#### **Writs of *Certiorari* and Appeals for Trial *De Novo* in the Philadelphia Municipal Court**

The Committee recently considered the opinion of the Pennsylvania Superior Court in the case of *Commonwealth v. Richards*, 128 A.3d 786 (Pa. Super. 2015), *appeal denied*, 145 A.3d 164 (Pa. 2016). *Richards* involved a defendant charged with DUI of a controlled substance. The Philadelphia Municipal Court granted defendant's motion to suppress and the Commonwealth petitioned for writ of *certiorari* to the Court of Common Pleas. After the petition had been filed, the Commonwealth withdrew the charges at a status hearing in the Municipal Court, apparently by mistake. The Court of Common Pleas subsequently dismissed the appeal as moot. The Commonwealth appealed to the Superior Court on the basis that the Municipal Court should not have approved the withdrawal since Rule of Appellate Procedure 1701 bars a lower court from conducting proceedings when a case is on appeal. The Superior Court held that the Rules of Appellate Procedure do not apply to a court of common pleas acting in its role as an appellate court deciding a petition for writ of *certiorari* unless that court expressly adopted such Rules. This finding was based on a plain reading of Rule of Appellate Procedure 103 that limits the applicability of those rules to the Supreme, Superior and Commonwealth Courts.

Rule 1006 provides the procedures for appeal from the Philadelphia Municipal Court. Rule 1006 provides two options for taking an appeal from a Municipal Court judgment: (1) to request a trial *de novo* before the Common Pleas Court; or (2) to file a petition for writ of *certiorari*, asking the Philadelphia Court of Common Pleas, sitting as an appellate court, to review the record made in the Municipal Court. See *Commonwealth v. Williams*, 125 A.3d 425 (Pa. Super. 2015). A trial *de novo* gives the defendant a new trial without reference to the Municipal Court record while a petition for writ of *certiorari* asks the Common Pleas Court to review the record made in the Municipal Court. Generally, a defendant is required to raise all claims in a writ of *certiorari* pertaining to the proceedings in the municipal court, or they will be considered waived on appeal. *Commonwealth v. Coleman*, 19 A.3d 1111 (Pa. Super. 2011).

The specific provision in Rule 1006 related to the filing of a writ of *certiorari* as an option for appeals from the Municipal Court was added in 1996. The Committee provided the rationale for this addition in the Final Report from that amendment:

Several members noted that, although the Philadelphia Public Defender's office utilized petitions for writs of *certiorari* fairly frequently, many members of the private bar apparently were not aware of the continued availability of *certiorari* as an alternative to an appeal for a trial de novo in the court of common pleas. We therefore agreed that the rules should expressly provide for this procedure. Final Report, 26 Pa.B. 989 (March 9, 1996).

This provision merely codifies the right contained in Article V, Section 26 of the Pennsylvania Constitution, and the Judicial Code, 42 Pa.C.S. § 934.<sup>1</sup>

Rule of Appellate Procedure 1701 describes the effects on a case when an appeal has been filed. The general rule contained in Rule 1701(A) states, "Except as otherwise prescribed by these rules, after an appeal is taken or review of a quasi-judicial order is sought, the trial court or other government unit may no longer proceed further in the matter." As the *Richards* case holds, the Rules of Appellate Procedure do not apply to appeal to the court of common pleas.

Therefore, the Committee concluded that the principle that the Municipal Court cannot act in a matter once a petition for writ of *certiorari* has been filed with the Court of Common Pleas would have to be specifically added to the rules to be effective. The Committee concluded that such a provision prohibiting action by the Municipal Court once an appeal was filed would be advisable to prevent confusion such as occurred in *Richards* where two courts were acting at the same time on the case to cross purposes.

This provision also would be consistent with other rules which prevent cases from moving back and forth between courts of common pleas and the minor judiciary. See e.g. Rule 541 (if the right to preliminary hearing is reinstated after defendant waived preliminary hearing, the preliminary hearing must be in common pleas court, unless the parties and judge agree that the issuing authority conduct the preliminary hearing) and Rule 543(G) (once a case is bound over to the court of common pleas, the case shall not be remanded to the issuing authority.) It would also be consistent with the general principle that an appeal moves the case from one court to another.

In a case in which an appeal for trial *de novo* has been filed, it is much clearer that any action must be taken by the Court of Common Pleas. The Committee concluded that these appeals should also be included in the new provision for clarity. A new paragraph (B) would be added to Rule 1006 stating that once case has been appealed from the Municipal Court to the Philadelphia Court of Common Pleas, the Municipal Court may no longer take action on that case.

[Pa.B. Doc. No. 17-47. Filed for public inspection January 13, 2017, 9:00 a.m.]

<sup>1</sup> Article V, Section 26 provides:

§ 26. Writs of *certiorari*.

Unless and until changed by rule of the Supreme Court, in addition to the right of appeal under section 9 of this article, the judges of the courts of common pleas, within their respective judicial districts, shall have power to issue writs of *certiorari* to the municipal court in the City of Philadelphia, justices of the peace and inferior courts not of record and to cause their proceedings to be brought before them, and right and justice to be done.

42 Pa.C.S. § 934 provides:

Unless and until changed by general rule, the judges of the courts of common pleas, within their respective judicial districts, shall have power, in addition to the right of appeal under section 9 of Article V of the Constitution of Pennsylvania, to issue writs of *certiorari* to the minor judiciary.

# Title 25—LOCAL COURT RULES

## BUTLER COUNTY

### Custody Evaluation Fees; 16-40329

#### Administrative Order

And Now, the 22nd day of December, 2016, *It Is Hereby Ordered and Decreed* that all Orders of Court directing parties to undertake custody evaluations shall have attached thereto the most recent fee schedule of the appointed evaluator. The fee schedule, which shall include evaluation and testimony fees, as well as refund policies, shall be incorporated in and made a part of the Order of Court appointing said evaluator. The fees to be paid and the terms for payment shall be as set forth in that schedule and shall not be modified until the pleading(s) currently before the Court are resolved. Evaluators may only amend their fee schedule upon providing a copy of the amended fee schedule to the Conciliator.

THOMAS J. DOERR,  
*President Judge*

[Pa.B. Doc. No. 17-48. Filed for public inspection January 13, 2017, 9:00 a.m.]

## BUTLER COUNTY

### Local Rule of Judicial Administration; MsD No. 16-40327

#### Administrative Order of Court

And Now, this 23rd day of December, 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 Butler County Court of Common Pleas adopts the following local rules, L4002, L4007, L4008, and L4014, governing court reporting and transcripts for the 50th Judicial District.

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

1. File one (1) copy with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in 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 Butler County Court Services website.
4. Incorporate this rule into the set of Butler County local rules within thirty days after the publication of the 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. Deliver one (1) copy to the *Butler County Legal Journal* for publication at their discretion.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

### Local Rules Governing Court Reporting and Transcripts

#### Rule L4002. Definitions.

Court Administrator means the Court Administrator of Pennsylvania

District Court Administrator means the County Court Administrator

#### Rule L4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator.

(B) The party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the District Court Administrator of the Court of Common Pleas of Butler County who will immediately note in their intake log that the filing has been made. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
  - and
- (2) opposing counsel, but if not represented, the opposing party.
- (3) the District Court Administrator shall determine which Court Reporter is responsible for information requested and deliver a copy of the request to that reporter.
- (C) Requests for daily, expedited or same day requests for these transcripts shall be filed in writing in the Butler County District Court Administrator's office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B) above. In the event of an emergency, a party may request by oral motion a daily, expedited or same day transcript. These requests must be approved by the trial Judge and are subject to the availability of the Court Reporter.
- (D) When counsel, or the litigant when proceeding pro se, requests a transcript:

(1) The requester shall make partial payment of 90% of the estimated transcript cost upon notification by the Court Reporter of the estimated total cost of preparing the transcript. Litigants will be directed by the Court Reporter to the proper filing office where payment may be made. Deposit checks are to be made payable to the filing office in which the transcript will be or has been filed.

(2) Upon payment of the deposit the filing office will notify the District Court Administrator who in turn will notify the Court Reporter that the deposit has been received and that preparation of the desired transcript may proceed.

(3) Upon completion of the transcript, the Court Reporter shall notify the individual who requested the transcript that it is ready for delivery. The Court Reporter shall notify the requester of the balance due. The Court Reporter shall then serve an electronic copy on the trial Judge and the transcript shall be filed of record with the appropriate filing office. Upon payment of any balance owed, the filing office shall deliver a copy of the transcript to the litigant who ordered it. Electronic delivery by e-mail is preferred. Checks or Money Orders for the final balance are to be made payable to the filing office in which the transcript has been filed. Transcripts of all hearings or portions thereof, once transcribed by the Court Reporter, shall be filed of record in the proper recording office.

(4) A "Request for Transcript" must also be submitted for individuals seeking to obtain copies of transcripts that have previously been filed of record. Upon payment of the appropriate fee, the recording office may provide a copy of the transcript to the individual requesting it. Distribution of electronic copies by e-mail is preferred.

(5) A copy of the "Request for Transcript" form shall be made available in the District Court Administrator's office, the recording offices and on the Butler County Court of Common Pleas website.

#### Rule L4008. 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 those entities described in section 4 below, for production and filing of 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 day delivery transcripts are only available if the court reporter is able to accommodate.

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

(3) When the requesting party represents a Commonwealth or federal agency (for example but not limited to: Office of the Attorney General, Penn Dot, FBI other state or federal investigative agency) the costs payable to the County of Butler shall be equivalent to that which is charged to any outside, private party or litigant. A request for transcript under this section must be made on the form prescribed by the Court Administrator.

(4) When the requesting party is a Judge, the Butler County District Attorney's office, the Butler County Public Defender's Office or any other County office or agency there will be no charge for a transcript provided the transcript is being used in the furtherance of litigation. A request for transcript under this section must be made on the form prescribed by the Court Administrator. All transcripts under this section will be delivered to the requester in electronic format only.

(5) Nothing in this rule shall authorize delivery of an original transcript, or copy thereof, in a proceeding where the record is sealed or where the record is not generally available to the public to any person or entity not otherwise entitled to the same.

##### (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 Proceed In Forma Pauperis to waive all or a portion of the transcript costs and filed in the appropriate filing office. A copy of the Order of Court granting a person the privilege of proceeding In Forma Pauperis, or at a reduced rate, must

accompany the "Request for Transcript" form. A sample Petition to Proceed In Forma Pauperis shall be made available in the recording offices, the Court Administrator's office and on line on the Butler County Courts web page.

(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 upon completion of a "Request for Transcript" and payment of the appropriate fee according to the following schedule:

- (1) \$0.75 per page, paper format; and,
- (2) \$0.50 per page electronic copy.

(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, not to exceed \$1.00 per page, are at the discretion of the trial judge.

**Rule L4014. Redaction of Personal Identifiers.**

(A) As a rule, social security numbers and financial institution account numbers shall be redacted from any transcript that is filed of record. Only the last four numbers of the social security number or financial institution account number shall appear in a transcript. Other confidential, personal and/or financial data and other identifiers may be redacted upon the Court's own motion or upon motion of any party and subsequent Order of Court. Redacted information may be made available to the parties upon motion presented to and ordered by the Court.

(B) Names of all minor children shall be identified by initial only. The transcript of any proceeding which is not open to the public may be released only with the approval of the presiding judge.

(C) In the instance when information in a transcript is to be redacted, the Court Reporter shall file of record only the redacted transcript noting on the face page that portions of the transcription have been redacted. The Court Reporter shall maintain an un-redacted copy in their personal electronic files. Should an un-redacted copy of the transcript be requested, the Court may, at its own discretion or upon motion of either one or all of the parties, direct that an un-redacted copy of the transcript be created by the Court Reporter and delivered by the proper filing office to the party as directed by the Court.

[Pa.B. Doc. No. 17-49. Filed for public inspection January 13, 2017, 9:00 a.m.]

**ERIE COUNTY**

**Rules of Judicial Administration; 90074-16**

**Adopting Order**

*And Now*, to wit, this 15th day of December, 2016 it is hereby *Ordered* that Erie County Rules of Judicial Administration 4001, 4007 and 4008, governing court reporting and transcripts, are hereby adopted as rules of this Court. This Order shall be processed in accordance with

Pa.R.J.A. 103(c). The adopted rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later.

JOHN J. TRUCILLA,  
*President Judge*

**Rule 4001. Scope of Rules.**

These rules shall govern the process for the request, payment and receipt of transcripts of record proceedings before the Erie County Court of Common Pleas. These rules shall be read in conjunction with and supplement the Uniform Rules Governing Court Reporting and Transcripts, as set forth in the Pennsylvania Rules of Judicial Administration, Nos. 4001—4016. In the event of any conflict between these rules and the state rules, the Pennsylvania Rules shall control.

**Rule 4007. Requests for Transcripts.**

(A) The original transcript request shall be on a standardized form ("Transcript Request Form") provided by the Administrative Office of Pennsylvania Courts and shall be filed with the appropriate filing office for the case docket. The form is available on The Unified Judicial System's Web Portal, the website for the Erie County Court of Common Pleas or by contacting the District Court Administrator for the Erie County Court of Common Pleas. In order for the request to be processed, a copy of the request must be served on the District Court Administrator, as well as on all other individuals designated by Pa.R.J.A. 4007. For purposes of service on the District Court Administrator, the request may be hand delivered to Room 210 of the Erie County Courthouse, e-mailed to the District Court Administrator, or mailed to: District Court Administrator, Erie County Courthouse, 140 West 6th Street, Room 210, Erie, PA 16501.

(B) The District Court Administrator will not direct the court reporter to proceed with transcription until either (1) receipt of partial payment in the amount of one-half of the estimated cost of the transcript; or (2) receipt of an order granting permission to proceed in forma pauperis or waiving costs in accordance with Pa.R.J.A. 4008(B) and Erie County Rule of Judicial Administration 4008(B). The party ordering the transcript is responsible for contacting the court reporter to determine the amount of deposit required. Deposit checks shall be made payable to the County of Erie and delivered to the District Court Administrator.

(C) Upon receipt of notification from the court reporter of the completion of the transcript and the amount of the balance owed, the party ordering the transcript shall forward to the District Court Administrator a check in the amount of the balance due. The check shall be made payable to the County of Erie. Upon receipt of final payment, the District Court Administrator will direct the court reporter to file and deliver the transcript in accordance with Pa.R.J.A. 4007(D)(4).

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

(A) The per page cost for a transcript in electronic format shall be as follows:

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

(5) If the transcript is requested in bound paper format, the costs shall be as stated above, plus a surcharge of \$0.25 per page.

(6) The trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation where the judge determines that the surcharge is necessary because of the need for the court reporter to significantly expand his/her dictionary.

(7) Costs for a copy of any transcript previously ordered, transcribed and filed of record shall be in accordance with Pa.R.J.A. 4008(D). Copy requests may be directed to the District Court Administrator in person in Room 210 of the Erie County Courthouse, e-mailed to the District Court Administrator, or mailed to: District Court Administrator, Erie County Courthouse, 140 West 6th Street, Room 210, Erie, PA 16501. The District Court Administrator will inform the requesting individual of the total amount due for copying. The full copying fee shall be paid prior to receipt of the copy. Checks shall be made payable to the County of Erie and delivered to the District Court Administrator.

(B) *Economic hardship*

(1) In accordance with Pa.R.J.A. 4008(B)(1), a litigant who has already been permitted to proceed with the commencement of the underlying action or with the taking of the appeal in forma pauperis will, in matters under appeal or where the transcript is necessary to advance the litigation, receive waiver of transcript costs. The order granting the litigant in forma pauperis status shall be attached to the Transcript Request Form which is filed and served in accordance with Pa.R.J.A. 4007 and Erie County Rule of Judicial Administration 4007. In addition to attaching the order to the request, the litigant should also attach a verified statement indicating that the party is aware of his or her continuing obligation to inform the court of improvement in his or her financial circumstances and that no such improvement has occurred since entry of the order granting permission to proceed in forma pauperis. A litigant's failure to attach the in forma pauperis order to the transcript request may result in delayed transcription.

(2) Any litigant who has not already been granted in forma pauperis status, but who wishes to pursue waiver of or reduction in transcript costs, shall file a petition requesting waiver of or reduction in transcript costs under the docket of the case. The petition must include:

- (a) the caption and docket number of the case;
- (b) a statement indicating whether or not the transcript is in a matter which is currently under appeal;
- (c) a statement indicating whether or not the transcript is necessary to advance pending litigation; and
- (d) a fully completed and executed affidavit substantially in the form required by Pennsylvania Rule of Civil Procedure 240(h).

Upon filing the petition and affidavit, the party requesting waiver of or reduction in transcript costs shall also serve a copy of the same on the judge assigned to the case for disposition. The petitioner shall be responsible for forwarding a copy of the resulting order to the District Court Administrator. Failure to serve the order may result in delayed transcription.

[Pa.B. Doc. No. 17-50. Filed for public inspection January 13, 2017, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES

### Adoption of New Local Rules of Judicial Administration Governing Court Reporting and Transcripts; No. AD 7-2016; No. Misc. 2016-4570; No. Misc. 20-2016

#### Order of Court

*And Now*, December 28, 2016, the Court hereby adopts the following new Local Rules of Judicial Administration governing court reporting and transcripts for the 39th Judicial District.

#### Rule 4002. Definitions.

(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 or 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 expedited, daily, and same day delivery 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 set forth on a standardized Request for Transcript form provided by the Court Administrator of Pennsylvania. The Request for Transcript form can be downloaded from the Franklin County website at [www.franklincountypa.gov](http://www.franklincountypa.gov) or the Fulton County website at [www.co.fulton.pa.us](http://www.co.fulton.pa.us) or copy can be obtained at the district court administrator's office.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter assigned to the proceeding;
- (3) opposing counsel, but if not represented, the opposing party.

(C) Expedited, daily, and same day transcripts are generally not available. If a party wishes to request a non-ordinary transcript, said request shall be filed in writing with the district court administrator at least 10 days prior to the proceeding. Court approval will be required.

(D) When a litigant requests a transcript,

- (1) the litigant ordering the transcript shall make a non-refundable, partial payment of 90% of the estimated total cost of the transcript. The payment deposit shall be paid by cash, money order, certified check, or law firm

check made payable to Franklin County and shall be delivered to the district court administrator.

(2) Upon receipt of the 90% deposit, the court reporter(s) assigned to the proceeding shall be directed by the district court administrator to prepare the transcript.

(3) The court reporter shall notify the ordering party and the district court administrator upon completion of the transcript and shall indicate the balance due.

(4) Final payment shall be paid by cash, money order, certified check, or law firm check made payable to Franklin County and shall be delivered to the district court administrator. Upon payment of any balance owed, the court reporter(s) shall deliver the original transcript to the appropriate filing office and copies to the parties.

(E) Any requests by a litigant for a transcript pursuant to Pa.R.J.A. 4007(E) alleging inability to pay due to economic hardship must be directed to the presiding judge for determination as provided in 4008(B).

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter shall prepare the transcript at the direction of the district court administrator after approval by the judge presiding over the matter who will determine the priority of the request.

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

(A) *Costs*

(1) *Electronic Format.* The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall not exceed:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page, with Court approval;
- (c) for daily transcript, \$4.50 per page, with Court approval;
- (d) for same day delivery, \$6.50 per page, with Court approval.

(2) *Paper Format.* 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*

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 Pa.R.C.P. 240(h). Such application shall be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and submitted 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 extraordinary need.

(C) *Copies of transcript*

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

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy, not to exceed \$50.00.

(D) *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.

Said Local Rules of Judicial Administration shall be effective in the 39th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Franklin and Fulton Counties websites.

*By the Court*

CAROL L. VAN HORN,  
*President Judge*

[Pa.B. Doc. No. 17-51. Filed for public inspection January 13, 2017, 9:00 a.m.]

**INDIANA COUNTY**

**Local Rules of Judicial Administration Governing Court Reporting and Transcripts; 514 MD 2016**

**Order of Court**

*And Now*, this 22nd day of December 2016, it is hereby Ordered and Directed that the Court adopts the following Local Rules of Judicial Administration Governing Court Reporting and Transcripts for use in the 40th Judicial District. The Rules are effective January 1, 2017.

The Indiana County District Court Administrator is Ordered to do the following:

1. File one (1) copy with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. File two (2) paper copies and one (1) electronic copy in Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Indiana County website at [www.countyofindiana.org](http://www.countyofindiana.org) and incorporate them into the set of local rules.
4. File one (1) copy in each filing office for public inspection and copying.

*By the Court*

WILLIAM J. MARTIN,  
*President Judge*

**Local Rules of Judicial Administration**

**Rule 4001. Interpretation of Rules.**

These Local Rules of Judicial Administration governing court reporting and transcripts shall be read and construed with the Pennsylvania Rules of Judicial Administration 4001—4016, pertaining to the same subject matter.

**Rule 4004. Qualifications of Court Reporters and Court Recorders.**

(A) The District Court Administrator shall be responsible for making the determination of whether a court reporter or court recorder first employed or utilized by the Court after January 1, 2017 meets the minimum criteria to serve in such capacity as set forth in the Pennsylvania Rules of Judicial Administration and shall report such information to the President Judge.

(B) The District Court Administrator shall be responsible for presenting pertinent information to the President Judge sufficient so as to permit the judge to determine if the requalification requirements as set forth in Pa.R.J.A. 4004 have been satisfied.

**Rule 4007. Requests for Transcripts.**

(A) In accordance with Pa.R.J.A. 4007, the party requesting a full or partial transcript of a trial or other proceeding or requesting a copy of an already filed transcript, shall file the original request with the District Court Administrator's Office at the Indiana County Courthouse, on the standardized form provided. The party requesting a transcript shall also serve a copy of the request upon the court reporter, the presiding judge, and opposing counsel, or in the event the opposing party is not represented, the opposing party.

(B) Upon receipt of the completed written request form, the District Court Administrator's Office shall obtain an estimate of the transcript cost and shall communicate the cost of the transcript to the requesting party. The requesting party shall make partial payment of seventy-five percent (75%) of the estimated cost, which shall be nonrefundable. Payments shall be made at the District Court Administrator's Office. Only checks or money orders made payable to "The County of Indiana" will be accepted. No down payment shall be required from the Commonwealth or a subdivision of the Commonwealth.

(C) The District Court Administrator's Office shall receive payment for the balance owed by check or money order made payable to "The County of Indiana." No transcript shall be delivered to private parties until 100% of the payment cost is received.

(D) In the event that a requestor seeks reduction or waiver of transcript fees, he or she shall complete the Request for Waiver or Reduction of Transcript Costs Petition and Affidavit and shall file the petition, affidavit, and proposed order in the District Court Administrator's Office at the time the request for transcript is filed.

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

(A) Costs payable by a requesting party other than the Commonwealth or a subdivision thereof for a transcript in bound paper format are as follows:

- |                       |                 |
|-----------------------|-----------------|
| (a) Ordinary          | \$2.75 per page |
| (b) Expedited         | \$3.75 per page |
| (c) Daily             | \$4.75 per page |
| (d) Same day delivery | \$6.75 per page |

(B) *Economic Hardship*. Reduction based on economic hardship shall be in accordance with Pa.R.J.A. 4008(B).

(C) Allocation of costs shall be as set forth in Pa.R.J.A. 4008(C).

(D) A request for a copy of a transcript previously ordered, transcribed and filed of record shall be provided at the rate of \$0.75 per page bound, paper format. Such requests shall be filed at the District Court Administrator's Office on the standardized form provided.

(E) Pursuant to Pa.R.J.A. 4008(E), the presiding judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation.

[Pa.B. Doc. No. 17-52. Filed for public inspection January 13, 2017, 9:00 a.m.]

**VENANGO COUNTY**

**Adoption of Local Rules; Court Reporters; CIV No. 1314-2016**

**Order of Court**

*And Now*, December 28, 2016, the following rules are hereby *Adopted* as the Local Rules of Judicial Administration 4004, 4007, 4008, governing court reporting and transcripts for the 28th Judicial District to be effective thirty (30) days after publication. The Venango County District Court Administrator is Ordered and Directed to do the following:

(1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us)

(2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) Publish the local rules on the Venango County website at [www.co.venango.pa.us](http://www.co.venango.pa.us)

(4) File one copy of the local rule in the appropriate filing offices for public inspection and copying.

*By the Court*

OLIVER J. LOBAUGH,  
*President Judge*

**Local Rules of Judicial Administration**

**Rule 4004. Qualifications of Court Reporters.**

- (A) Reserved.
- (B) Reserved.
- (C) Reserved.

(D)(1) Every court reporter shall provide to the Lead Reporter, on or before January 15 of each year, documentation indicating the number of continuing professional education hours that the Court Reporter successfully completed for the preceding calendar year.

(a) On or before the 31st day of January each year, the Lead Reporter shall provide a report to the District Court Administrator of the hours of continuing professional education that every Court Reporter has completed during the three (3) year re-qualifying period.

(2) The District Court Administrator shall assure that the requirements set forth for court recorders in subdivision (C) are satisfactorily met by conducting a review of work products for accuracy, timeliness and quality.

- (E) Reserved.

**Rule 4007. Requests for Transcripts.**

(A) All original requests for transcripts shall be set forth on the standardized "Request for Transcript" form which may be downloaded from the Venango County website at [www.co.venango.pa.us](http://www.co.venango.pa.us) or a copy of which can be obtained at any filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of Orphans' Court and/or Domestic Relations).

(B) The original request shall be filed in the appropriate filing office and the requesting party shall provide copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter;
- (3) the district court administrator; and

- (4) opposing counsel or party
- (C) Reserved.

(D) Upon receipt of a request for ordinary transcript, the Court Reporter assigned to the proceeding shall, within seven (7) calendar days of receipt of the Order to transcribe, calculate the estimated cost of the transcript using the price rates explicitly established by the Pennsylvania Rules of Judicial Administration or other rates approved pursuant thereto.

(1) A non-refundable deposit in the amount of 90% shall be made by the requestor within fourteen (14) calendar days after the Court Reporter has informed the requestor of the estimated cost. All deposits shall be made by cash, money order, certified check or law firm check made payable to the "County of Venango" and delivered to the Court Reporter. The Court Reporter will immediately forward the payment, along with the "Escrow Fund Deposit" form to the District Court Administrator who will deposit the check with the Venango County Treasurer. Orders directing transcription will be vacated if deposit amounts are not remitted within the stated timeframe.

(2) Upon receipt of the deposit, and Order to transcribe, the Court Reporter assigned to the proceeding shall prepare the transcript.

(3) The Court Reporter shall notify the requestor and the District Court Administrator upon completion of the transcript and shall advise the requestor of the balance due.

(4) Upon receipt of final invoice, payment for the balance due shall be paid by cash, money order, certified check or law firm check made payable to the County of Venango and delivered to the court reporter within seven (7) calendar days from the date the parties are notified. The Court Reporter will immediately forward the payment, along with the "Escrow Fund Final Payment" form to the District Court Administrator who will deposit payment with the Venango County Treasurer. Original transcripts will not be filed or copies distributed until the balance is paid in full.

(E) Reserved.

(F) The provisions of this Local Rule regarding deposits and final payments shall not apply to a request for a transcript where the Commonwealth or any subdivision thereof is the requestor, or where the requestor has been granted in forma pauperis status.

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

(A)(1)(2) *Costs.* The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, unless a waiver is granted, shall be as follows:

Ordinary:	\$2.75 (paper)	\$2.50 (electronically filed)
Expedited:	\$3.75 (paper)	\$3.50 (electronically filed)
Daily:	\$4.75 (paper)	\$4.50 (electronically filed)
Same Day:	\$6.75 (paper)	\$6.50 (electronically filed)
Complex Litigation/Medical Malpractice/Technical Testimony		+ .50 per page upon Order
Secure Realtime Feed		\$1.00 per page

Fee schedule for COPIES:	\$0.75 (paper)
	\$0.50 (electronic)
Uncertified Rough Draft: NO WAIVERS	\$1.00 (electronic)
	\$1.25 (paper)

The costs payable by the Commonwealth or a subdivision (to include any Pennsylvania state, county, regional or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity) shall be:

Ordinary:	\$2.00 (paper)	\$1.75 (electronically filed)
Expedited:	\$3.00 (paper)	\$2.75 (electronically filed)
Daily:	\$4.00 (paper)	\$3.75 (electronically filed)
Same Day:	\$6.00 (paper)	\$5.75 (electronically filed)

Fee schedule for COPIES:	\$.50 (paper)
	\$-0- (electronic)
Uncertified Rough Draft	\$1.00 (electronic)
	\$1.25 (paper)

A court reporter shall be paid by the County at the rate of \$1.50 per page for court orders.

(B) *Economic Hardship.*

- (1) Reserved.
- (2) Reserved.
- (3) Reserved.

(4) Litigants claiming economic hardship must attach a completed In Forma Pauperis affidavit, pursuant to PA Rule of Civil Procedure 240, to the Request for Transcript form. Proof of income must be supplied including pay stubs for the past three months, social security benefit statements for the past three months, DPW compass page, DPW Snap sheet for the past three months, Domestic Relations child support information, and/or unemployment benefit statements for the past three months.

(a) No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(C) Reserved.

(D) *Copies of transcripts.*

Any requests for copies of transcripts filed of record shall be directed to the Court Reporter and shall be produced solely by the Court Reporter. Payment for copies of transcripts shall be paid by cash, money order, certified check or law firm check made payable to the County of Venango and delivered to the Court Reporter pursuant to the rates established in 4008(A)(1)(2).

[Pa.B. Doc. No. 17-53. Filed for public inspection January 13, 2017, 9:00 a.m.]

**WARREN AND FOREST COUNTIES**  
**Local Rules of Judicial Administration Governing Court Reporting and Transcripts; No. 50 of 2016 Misc.**

**Administrative Order**

*And Now*, this 22nd day of December, 2016, it is hereby Ordered and Decreed that effective January 1, 2017, the prior Local Rules for Warren and Forest County governing court reporting and transcripts shall be rescinded.



The new Rules governing court reporting and transcripts shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District is directed to:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

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

3. Publish these Rules on the Warren/Forest County website at [www.warrenforestcourt.org](http://www.warrenforestcourt.org).

4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

**Rule R.J.A.L4007. Requests for Transcripts.**

(A) All requests for transcripts shall be filed on a standardized form with the Court Administrator.

(B) Upon receipt of a request for an ordinary transcript, the Court Administrator shall contact the appropriate court reporter for an estimated cost using the price rates established by the Pennsylvania Rules of Judicial Administration or other rates approved pursuant thereto.

(D) *Private Litigant Requests and Payment of Costs*

(1) The litigant ordering the transcript shall make payment in the amount of 90% of the estimated total cost of the transcript. Deposit checks are to be made payable to County of Forest or County of Warren and shall be delivered to the District Court Administrator.

(2) Upon receipt of the 90% deposit, the court reporter(s) assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

(3) The court reporter(s) shall notify the District Court Administrator upon completion of the transcript. The District Court Administrator shall notify the ordering party of the completed transcript and shall indicate the balance due.

(4) Checks for the final balance are to be made payable to the County of Forest or County of Warren and shall be delivered to the District Court Administrator. The court reporter(s) shall deliver the original transcript and copies for the parties to the District Court Administrator who shall file the original transcript and deliver the copies to the parties.

(E) Any requests by a litigant for transcripts pursuant to R.J.A. 4007(E) alleging inability to pay due to economic hardship will be submitted to the District Court Administrator and will be directed to the Presiding Judge for determination as provided in R.J.A.L 4008(B).

**Rule R.J.A.L4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision.**

(A) *Costs*

(1) *Electronic Format.* The costs payable by the initial ordering party, other than the Commonwealth or a subdivision thereof, for a transcript delivered via electronic format shall not exceed:

- (a) For an ordinary transcript, \$2.50 per page
- (b) For an expedited transcript, \$3.50 per page
- (c) For a daily transcript, \$4.50 per page
- (d) For same-day delivery, \$6.50 per page
- (e) For realtime feed, \$1.00 per page
- (f) For complex litigation, \$3.00 per page
- (g) For rough drafts, \$1.00 per page

(2) *Paper Format.* The costs payable by the initial ordering party, other than the Commonwealth or a subdivision thereof, for a transcript via paper format shall not exceed:

- (a) For an ordinary transcript, \$2.75 per page
- (b) For an expedited transcript, \$3.75 per page
- (c) For a daily transcript, \$4.75 per page
- (d) For same-day delivery, \$6.75 per page
- (e) For realtime feed, \$1.00 per page
- (f) For complex litigation, \$3.25 per page
- (g) For rough drafts, \$1.25 per page

(B) *Economic Hardship*

(4) Litigants claiming economic hardship must attach to their request for transcript a fully completed in Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240.

(E) *Copies of Transcripts*

Any requests for copies of filed transcripts shall be directed to Court Administration. Copies shall thereafter be produced solely by the assigned Court Reporter. Payment for copies of transcripts shall be payable to the County of Forest or County of Warren and delivered to the Court Administrator according to the following fee schedule:

- (1) \$0.75 per page paper format;
- (2) \$0.50 per page electronic copy.

[Pa.B. Doc. No. 17-54. Filed for public inspection January 13, 2017, 9:00 a.m.]

**WESTMORELAND COUNTY**

**Local Rules of Judicial Administration Governing Court Reporting and Transcripts; No. 3 of 2016**

**Administrative Order of Court**

*And Now*, this 21st day of December, 2016, *It Is Hereby Ordered* that Westmoreland County Rules of Judicial Administration WJ5000.4, WJ5000.5, WJ5000.7 and WJ5000.13 are hereby rescinded and Rules WJ4007 and WJ4008 are hereby adopted.

*By the Court*

RICHARD E. McCORMICK, Jr.,  
*President Judge*

**Proposed Rule WJ4007. Requests for Transcripts.**

(A) In accordance with Pa.R.J.A. 4007, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with Court Administration, in office M3 of the Westmoreland County

Courthouse, in the form provided at <http://www.co.westmoreland.pa.us/index.aspx?nid=1024> (Court Administration; Forms). The party requesting a transcript shall also serve a copy of the request upon the court reporter, the presiding judge and opposing counsel or, in the event the opposing party is not represented, the opposing party.

(B) Upon receipt of the completed written request form, Court Administration shall obtain an estimate of the transcript cost and shall communicate the cost of the transcript to the requesting party. The requesting party shall make partial payment of seventy five percent (75%) of the estimated cost, which shall be nonrefundable. Payments shall be made at the Westmoreland County Treasurer's office. No transcripts shall be delivered to private parties until 100% of the payment cost of the transcript is received. No down payment shall be required from the Commonwealth or a subdivision of the Commonwealth.

(C) *Requests based on economic hardship.*

(1) In the event that a requester seeks reduction or waiver of transcript fee, he or she shall complete the petition requesting reduction in or waiver of transcript costs found at <http://www.co.westmoreland.pa.us/index.aspx?nid=1024> (Court Administration; Forms). The petition shall be submitted to the presiding judge, who shall make a determination as soon as reasonably possible and shall provide a copy of the grant or denial of application to the assigned court reporter and court administrator's office. All payment shall be made to the Westmoreland County Treasurer.

(D) *Payment.*

All checks shall be made payable to "Westmoreland County Treasurer".

**Proposed Rule WJ4008. Transcript Costs.**

(A) *Costs.* 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:

*Private Pay Rates:*

Ordinary	\$2.50 per page
Expedited	\$3.50 per page
Daily	\$4.50 per page
Same day delivery	\$6.50 per page

Transcripts in bound paper format are subject to a surcharge of \$0.25 per page, and copy rates apply.

In the event a condensed transcript is delivered, the page rates above apply regardless of the number of pages of transcript on the sheet.

(B) *Economic Hardship.* Reduction based on economic hardship shall be in accordance with Pa.R.J.A. 4008(B).

(C) *Allocation of Costs.* Allocation of costs shall be as set forth Pa.R.J.A. 4008(C).

(D) *Copies of Transcript.* A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided at the rate of \$0.75 per page bound, paper format; and \$0.50 per page electronic copy.

(E) *Additional Costs.* Pursuant to Pa.R.J.A. 4008(E), the presiding judge may impose a reasonable surcharge in

cases such as mass tort, medical malpractice or other unusually complex litigation.

A reasonable fee for a secure electronic feed may be imposed by the court reporter.

[Pa.B. Doc. No. 17-55. Filed for public inspection January 13, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated November 21, 2016, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 21, 2016 for Compliance Group 1.

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

Ackerman, Joel Alan  
Morris Plains, NJ

Bennett, Carla Michelle  
Highlands Ranch, CO

Bennett, David Richard  
West Palm Beach, FL

Bjornstad, Deborah Hollenbach  
Mount Holly, NJ

Caplan, Darryl Scott  
Moorestown, NJ

Corsi, Christopher  
Marlton, NJ

Fisher, Karen S.  
Washington, DC

Higgins, Laurie M.  
Cherry Hill, NJ

Mellvaine, Mark Kirkpatrick  
Superior, CO

Patel, Karishma Mahendra  
Richmond, TX

Saville, Stephen A.  
Bear, DE

Stamps, Sumari Cherice  
Kennesaw, GA

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

[Pa.B. Doc. No. 17-56. Filed for public inspection January 13, 2017, 9:00 a.m.]

# SUPREME COURT

## Duty Assignment Schedule for Emergency Petitions in the Year 2017; No. 476 Judicial Administration Doc.

### Order

*Per Curiam:*

*And Now*, this 21st day of December, 2016, the emergency duty assignment for the year 2017, is herewith adopted.

January	Justice Debra Todd Justice Kevin Dougherty	(Eastern District) (Western District)
February	Justice Max Baer Justice David Wecht	(Eastern District) (Western District)
March	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
April	Justice Kevin Dougherty Justice Debra Todd	(Eastern District) (Western District)
May	Justice David Wecht Justice Max Baer	(Eastern District) (Western District)
June	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)
July	Justice Debra Todd Justice Kevin Dougherty	(Eastern District) (Western District)
August	Justice Max Baer Justice David Wecht	(Eastern District) (Western District)
September	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
October	Justice Kevin Dougherty Justice Debra Todd	(Eastern District) (Western District)
November	Justice David Wecht Justice Max Baer	(Eastern District) (Western District)
December	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)

[Pa.B. Doc. No. 17-57. Filed for public inspection January 13, 2017, 9:00 a.m.]

## Schedule of Holidays for Year 2018 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 475 Judicial Administration Doc.

### Order

*Per Curiam:*

*And Now*, this 21st day of December, 2016, it is hereby ordered that the following paid holidays for calendar year 2018 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 01, 2018	New Year's Day
January 15, 2018	Martin Luther King, Jr. Day
February 19, 2018	Presidents' Day
March 30, 2018	Good Friday
May 28, 2018	Memorial Day
July 04, 2018	Independence Day
September 03, 2018	Labor Day
October 08, 2018	Columbus Day
November 06, 2018	Election Day**
November 12, 2018	Veterans' Day (Observed)

November 22, 2018	Thanksgiving Day
November 23, 2018	Day after Thanksgiving
December 25, 2018	Christmas Day

\*\* AOPC only; Appellate courts will be open.

[Pa.B. Doc. No. 17-58. Filed for public inspection January 13, 2017, 9:00 a.m.]

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### Sessions of the Supreme Court of Pennsylvania for the Year 2018; No. 474 Judicial Administration Doc.

#### Order

*Per Curiam:*

*And Now*, this 21st day of December, 2016 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2018 as follows:

Philadelphia (Administrative Session)	February 6th
Philadelphia	March 5th through March 9th
Harrisburg (Administrative Session)	March 27th
Pittsburgh	April 9th through April 13th
Harrisburg	May 14th through May 18th
Pittsburgh (Administrative Session)	June 5th
Philadelphia	September 24th through September 28th
Pittsburgh	October 22nd through October 26th
Harrisburg	December 3rd through the 7th

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 17-59. Filed for public inspection January 13, 2017, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

### DEPARTMENT OF HEALTH

[ 28 PA. CODE CHS. 1141 AND 1151 ]

#### Medical Marijuana; General Provisions; Growers/ Processors; Amendments to Temporary Regula- tions

The Department of Health (Department) is publishing amendments to the temporary regulations in Chapters 1141 and 1151 (relating to general provisions; and growers/processors) to read as set forth in Annex A. The temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program (Program), the Department will be periodically publishing temporary regulations regarding various sections of the act. Chapter 1141 pertains to general provisions and Chapter 1151 pertains to growers/processors who will grow and process medical marijuana for use in the Program. The amendments to the temporary regulations and new § 1141.51 (relating to technical advisories) in Annex A will expire on January 14, 2019.

Interested persons are invited to submit written comments, suggestions or objections regarding the amendments to the temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMed Marijuana@pa.gov. Persons with a disability who wish to submit comments, suggestions or objections regarding the amendments to the temporary regulations may do so by using the previous contact information. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact John J. Collins so that necessary arrangements may be made.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

**Fiscal Note:** 10-199. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 28. HEALTH AND SAFETY

#### PART IX. MEDICAL MARIJUANA

#### CHAPTER 1141. GENERAL PROVISIONS

#### § 1141.21. Definitions.

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

*Act*—The Medical Marijuana Act (35 P.S. §§ 10231.101—10231.2110).

*Adverse event*—An injury resulting from the use of medical marijuana dispensed at a dispensary. An injury includes physical harm, mental harm or loss of function.

*Adverse loss*—A loss, discrepancy in inventory, diversion or theft of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, funds or other property of a medical marijuana organization.

*Advertising*—The publication, dissemination, solicitation or circulation, for a fee, that is visual, oral, written or electronic to induce directly or indirectly an individual to patronize a particular dispensary or to purchase particular medical marijuana.

*Applicant*—A person who wishes to submit or submits an application to the Department for a permit to operate as a grower/processor or dispensary, or both, under the act and this part.

*CBD*—Cannabidiol.

*Caregiver*—An individual over 21 years of age, or if the patient is under 18 years of age, an individual under section 506(2) of the act (35 P.S. § 10231.506(2)), who is designated by a patient for certified medical use.

*Certified medical use*—The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a patient certification issued under the act, including enabling the patient to tolerate treatment for the serious medical condition.

*Change in control*—The acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

*Change in ownership*—The addition or removal of a principal, operator or financial backer or a change in control of a medical marijuana organization after the Department approves an initial permit application or a permit renewal application.

*Clinical registrant*—An entity that:

(i) Holds a permit as both a grower/processor and a dispensary.

(ii) Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

*Controlled substance*—A drug, substance or immediate precursor included in Schedules I—V as listed in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).

*Controlling interest*—

(i) For a publicly traded company, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the publicly traded company.

(ii) For a privately held entity, the ownership of any security in the entity.

*Department*—The Department of Health of the Commonwealth.

*Disadvantaged business*—The term as defined in 74 Pa.C.S. § 303(b) (relating to diverse business participation).

*Dispensary*—

(i) A person who holds a permit issued by the Department to dispense medical marijuana.

(ii) The term does not include a health care medical marijuana organization as defined under sections 1901—1908 of the act (35 P.S. §§ 10231.1901—10231.1908).

*Diverse group*—A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

*Diverse participants*—The term includes the following:

(i) Individuals from diverse racial, ethnic and cultural backgrounds and communities.

(ii) Women.

(iii) Veterans.

(iv) Individuals with disabilities.

*Diversity plan*—A strategy that promotes or ensures participation by diverse groups in the management and operation of a medical marijuana organization through contracting and employment opportunities.

*Electronic tracking system*—An electronic seed-to-sale system approved by the Department that is implemented by:

(i) A grower/processor to log, verify and monitor the receipt, use and sale of seeds, immature medical marijuana plants or medical marijuana plants, the funds received by a grower/processor for the sale of medical marijuana to another medical marijuana organization, the disposal of medical marijuana waste and the recall of defective medical marijuana.

(ii) A dispensary to log, verify and monitor the receipt of medical marijuana product from a grower/processor, the verification of the validity of an identification card presented by a patient or caregiver, the dispensing of medical marijuana product to a patient or caregiver, the disposal of medical marijuana waste and the recall of defective medical marijuana.

(iii) An approved laboratory to log, verify and monitor the receipt of samples and test samples for testing, the results of tests performed by the approved laboratory, and the disposal of tested and untested samples and test samples.

*Employee*—An individual who is hired for a wage, salary, fee or payment to perform work for an applicant or permittee.

*Excipients*—Solvents, chemicals or materials reported by a medical marijuana organization and approved by the Department for use in the processing of medical marijuana.

*Facility*—A structure and other appurtenances or improvements where a medical marijuana organization grows and processes or dispenses medical marijuana.

*Family or household member*—The term as defined in 23 Pa.C.S. § 6102 (relating to definitions).

*Financial backer*—An investor, mortgagee, bondholder, note holder, or other source of equity, capital or other assets other than a financial institution.

*Financial institution*—A bank, a National banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union or a savings bank.

*Form of medical marijuana*—The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

*Fund*—The Medical Marijuana Program Fund established in section 902 of the act (35 P.S. § 10231.902).

*Grower/processor*—

(i) A person who holds a permit from the Department under the act to grow and process medical marijuana.

(ii) The term does not include a health care medical marijuana organization as defined under sections 1901—1908 of the act.

*Health care medical marijuana organization*—A vertically integrated health system approved by the Department to dispense medical marijuana or grow and process medical marijuana, or both, in accordance with a research study under sections 1901—1908 of the act.

*Hydroponic nutrient solution*—A mixture of water, minerals and essential nutrients without soil used to grow medical marijuana plants.

*Identification card*—A document issued under section 501 of the act (35 P.S. § 10231.501) that authorizes access to medical marijuana under the act.

*Immature medical marijuana plant*—A rootless, non-flowering part of a medical marijuana plant that is no longer than 12 inches and no wider than 12 inches produced from a cutting, clipping or seedling and that is in a growing container that is no larger than 2 inches wide and 2 inches tall that is sealed on the sides and bottom.

*Immediate family*—The term as defined in 4 Pa.C.S. § 1512(b) (relating to financial and employment interests).

*Industrial hemp*—The plant *Cannabis, sativa* L., and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry-weight basis.

*Initial permit application*—The document submitted to the Department by an applicant that, if approved, grants a permit to an applicant.

*Laboratory*—A place, establishment or institution within this Commonwealth that has been issued a certificate of accreditation.

*Limited access area*—Any area on a site or within a facility where:

(i) Immature medical marijuana plants or medical marijuana plants are growing or being processed into medical marijuana.

(ii) Immature medical marijuana plants, medical marijuana plants, medical marijuana or medical marijuana products are being loaded into or out of transport vehicles.

- (iii) Medical marijuana is packaged for sale or stored.
- (iv) Medical marijuana waste is processed, stored or destroyed.
- (v) Surveillance system devices are stored.

*Marijuana—*

(i) The plant, of genus *Cannabis sativa* L., within the family Cannabaceae, including any part of the plant genus *Cannabis*, within the family Cannabaceae and the immature plant or seeds of the plant genus *Cannabis*, within the family Cannabaceae.

- (ii) The term does not include industrial hemp.

*Medical marijuana*—Marijuana for certified medical use as set forth in the act.

*Medical marijuana container*—A sealed, traceable, food compliant, tamper resistant, tamper evident container used for the purpose of containment of packaged medical marijuana being transported from a grower/processor to a medical marijuana organization or a laboratory.

*Medical marijuana organization—*

- (i) A dispensary or a grower/processor.
- (ii) The term does not include a health care medical marijuana organization under sections 1901—1908 of the act or a clinical registrant under sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003)

*Medical marijuana plant*—A plant which is greater than 12 vertical inches in height from where the base of the stalk emerges from the growth medium to the tallest point of the plant, or greater than 12 horizontal inches in width from the end of one branch to the end of another branch.

*Medical marijuana program*—The program authorized under the act and implemented by the Department.

*Medical marijuana waste—*

- (i) Solid, liquid, semi-solid or contained gaseous materials that are generated by a grower/processor or an approved laboratory.
- (ii) The term includes:
  - (A) Unused, surplus, returned, recalled, contaminated or expired medical marijuana.
  - (B) Any medical marijuana plant material that is not used in the growing, harvesting or processing of medical marijuana, including flowers, stems, trim, leaves, seeds, dead medical marijuana plants, dead immature medical marijuana plants, unused medical marijuana plant parts, unused immature medical marijuana plant parts or roots.
  - (C) Spent hydroponic nutrient solution.
  - (D) Unused containers for growing immature medical marijuana plants or medical marijuana plants or for use in the growing and processing of medical marijuana.
  - (E) Unused fertilizers and pesticides.
  - (F) Unused excipients.
  - (G) Wastewater.

*Minority-owned business*—The term as defined in 74 Pa.C.S. § 303(b).

*Municipal waste*—The term as defined in section 103 of the Solid Waste Management Act (35 P.S. § 6018.103).

*Municipality*—A city, borough, incorporated town or township.

*Nutrient*—The essential elements and compounds necessary for the growth, metabolism and development of medical marijuana plants.

*Nutrient practice*—The use by a grower/processor of essential elements and compounds necessary for the growth, metabolism and development of seeds, immature medical marijuana plants or medical marijuana plants.

*Operational*—The time at which the Department determines that a medical marijuana organization is ready, willing and able to properly carry on the activity for which a permit has been issued under this part, including the implementation of an electronic tracking system.

*Operator*—An individual who directly oversees or manages the day-to-day business functions for an applicant or permittee and has the ability to direct employee activities onsite and offsite or within a facility for which a permit is sought or has been issued under this part.

*Patient*—An individual who:

- (i) Has a serious medical condition.
- (ii) Has met the requirements for certification under the act.
- (iii) Is a resident of this Commonwealth.

*Permit*—An authorization issued by the Department to an applicant to conduct activities authorized under the act.

*Permittee*—A person who has been issued an authorization to operate as a medical marijuana organization under the act and this part.

*Person*—A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

*Practitioner*—A physician who is registered with the Department under section 401 of the act (35 P.S. § 10231.401).

*Principal*—An officer, director or person who directly or beneficially owns securities of an applicant or permittee, or a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

*Publicly traded company*—A person other than an individual who:

- (i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78pp) or on a foreign stock exchange determined by the Department to have similar listing and reporting requirements to exchanges that are regulated under the Securities Exchange Act of 1934.
- (ii) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).
- (iii) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

*Security*—The term as defined in section 102(t) of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-102(t)).

*Serious medical condition*—Any of the following conditions:

- (i) Cancer.
- (ii) Positive status for Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome.
- (iii) Amyotrophic lateral sclerosis.
- (iv) Parkinson's disease.
- (v) Multiple sclerosis.
- (vi) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.
- (vii) Epilepsy.
- (viii) Inflammatory bowel disease.
- (ix) Neuropathies.
- (x) Huntington's disease.
- (xi) Crohn's disease.
- (xii) Post-traumatic stress disorder.
- (xiii) Intractable seizures.
- (xiv) Glaucoma.
- (xv) Sickle cell anemia.
- (xvi) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.
- (xvii) Autism.

*Service-disabled*—The term as defined in 51 Pa.C.S. § 9601 (relating to definitions).

*Service-disabled veteran-owned small business*—The term as defined in 51 Pa.C.S. § 9601.

*Site*—The total area contained within the property line boundaries in which a facility is operated by a medical marijuana organization.

*Spent hydroponic nutrient solution*—Hydroponic nutrient solution that has been used and can no longer serve the purpose for which it was produced.

*THC*—Tetrahydrocannabinol.

*Third-party certifying organization*—The term as defined in 74 Pa.C.S. § 303(b).

*Transport vehicle*—A vehicle that meets the requirements of the act and is used to transport medical marijuana between medical marijuana organizations or between medical marijuana organizations and a laboratory.

*Unit*—The weight or volume of total usable medical marijuana in the finished product, calculated in metric units.

*Vaporization or nebulization*—The generation of medical marijuana in the form of vapor or fine spray for medicinal inhalation.

*Veteran*—The term as defined in 51 Pa.C.S. § 9601.

*Veteran-owned small business*—The term as defined in 51 Pa.C.S. § 9601.

*Women-owned business*—The term as defined in 74 Pa.C.S. § 303(b).

#### § 1141.22. Records subject to disclosure; confidentiality.

(a) The following records are public records and are subject to disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104):

(1) An application submitted under the act, except to the extent that the application contains any of the information listed in subsection (b).

(2) The name, business address and medical credentials of a practitioner.

(3) Information regarding penalties or other disciplinary actions taken against a permittee by the Department for a violation of the act.

(b) The following information is considered confidential, is not subject to the Right-to-Know Law and will not otherwise be released to a person unless pursuant to court order:

(1) Information in the possession of the Department or any of its contractors regarding a practitioner's registration information that is not listed as a public record under subsection (a).

(2) The name or other personal identifying information of a patient or caregiver who applies for or is issued an identification card.

(3) Individual identifying information concerning a patient or caregiver, or both.

(4) A patient certification issued by a practitioner.

(5) Any information on an identification card.

(6) Information provided by the Pennsylvania State Police regarding a caregiver, including criminal history record information, as set forth in § 1141.31 (relating to background checks).

(7) Information regarding a patient's serious medical condition.

(8) Other information regarding a patient, caregiver, practitioner or medical marijuana organization not listed in subsection (a) that falls within an exception to the Right-to-Know Law, or is otherwise considered to be confidential proprietary information by other law.

(9) Information regarding the physical features of, and security measures installed in, a facility.

(10) Information maintained in the electronic tracking system of a grower/processor and a dispensary.

(c) An applicant shall mark confidential proprietary information as confidential proprietary information prior to submission to the Department.

#### § 1141.24. Medical marijuana regions.

(a) The Department will issue permits to applicants in each of six medical marijuana regions. The medical marijuana regions are as follows:

(1) *Region 1*—The geographical region comprised of the counties of the Department's Southeast District, which includes Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia and Schuylkill.

(2) *Region 2*—The geographical region comprised of the counties of the Department's Northeast District, which includes Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Susquehanna, Wayne and Wyoming.

(3) *Region 3*—The geographical region comprised of the counties of the Department's Southcentral District, which



includes Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry and York.

(4) *Region 4*—The geographical region comprised of the counties of the Department's Northcentral District, which includes Bradford, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union.

(5) *Region 5*—The geographical region comprised of the counties of the Department's Southwest District, which includes Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland.

(6) *Region 6*—The geographical region comprised of the counties of the Department's Northwest District, which includes Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren.

(b) The Department will consider the following factors about each region in its determination to grant or deny an initial permit to an applicant:

- (1) Regional population.
- (2) The number of patients suffering from a serious medical condition.
- (3) The types of serious medical conditions in the region.
- (4) Access to public transportation.
- (5) The health care needs of rural and urban areas.
- (6) Areas with recognized need for economic development.

(c) The publication of this section in the *Pennsylvania Bulletin* is deemed to be the notice of the establishment of the regions required under section 604 of the act (35 P.S. § 10231.604). The Department may change the number or boundaries of the regions every 2 years upon publication of notice of the adjustment in the *Pennsylvania Bulletin*.

**§ 1141.27. General requirements for application.**

(a) The types of applications to be submitted to the Department under this part include:

- (1) An initial permit application.
- (2) A permit renewal application.
- (3) An application for approval of a change in ownership of a medical marijuana organization authorized by a permit.
- (4) An application for approval of a change of location of a facility authorized by a permit.
- (5) An application for approval of alteration of a facility authorized by a permit.
- (6) An application for additional dispensary locations.

(b) By submitting an application to the Department, an applicant consents to any investigation, to the extent deemed appropriate by the Department, of the applicant's ability to meet the requirements under the act applicable to the application.

(c) An application is not complete and will be rejected by the Department unless:

- (1) The payment of the applicable application fee in § 1141.28 (relating to fees) is submitted with the application.

(2) The applicant and its principals and other persons affiliated with the applicant identified by the Department are current in all tax obligations due and owing to the Commonwealth. An applicant, as part of the application, shall provide tax clearance certificates issued by the Department of Revenue and the Department of Labor and Industry for the applicant and its principals and other persons affiliated with the applicant identified by the Department verifying that the applicant does not have outstanding tax obligations to the Commonwealth. The Department may consider the application to be complete if the applicant states on a form prescribed by the Department of Revenue or the Department of Labor and Industry that tax clearance certificates have been requested at the time the application was submitted to the Department.

(3) All required information for each section of the application, including attachments and any supplemental information required by the Department, is submitted to the Department.

(d) An application that is rejected by the Department will be returned to the applicant without further consideration by the Department along with the refund of the initial permit fee.

(e) An application submitted under this part must contain the following statement signed by the applicant:

A false statement made in this application is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation).

**§ 1141.28. Fees.**

(a) An applicant for an initial grower/processor permit or renewal permit shall pay the following fees by certified check or money order to the Department:

(1) Initial permit application fee—\$10,000. The initial permit application fee shall be submitted with the initial permit application and is nonrefundable, except as provided in § 1141.29(a)(3) (relating to initial permit application).

(2) Initial permit fee—\$200,000. The initial permit fee shall be submitted with the initial permit application and will be refunded if the initial permit is not granted.

(3) Permit renewal fee—\$10,000. The permit renewal fee shall be submitted with a renewal application and will be refunded if the renewal permit is not granted.

(b) An applicant for an initial dispensary permit or renewal permit shall pay the following fees by certified check or money order to the Department:

(1) Initial permit application fee—\$5,000. The initial permit application fee shall be submitted with the initial permit application and is nonrefundable, except as otherwise provided in this part.

(2) Initial permit fee—\$30,000 for each dispensary location. The initial permit fee shall be submitted with the initial permit application and will be refunded if the initial permit is not granted.

(3) Permit renewal fee—\$5,000. The permit renewal fee shall be submitted with a renewal application and will be refunded if the renewal permit is not granted.

(c) A medical marijuana organization shall pay a fee of \$250 by certified check or money order to the Department with the submission of the following:

- (1) An application for approval of a change in ownership of a medical marijuana organization.

(2) An application for approval of a change of location of a facility authorized by a permit.

(3) An application for approval of alteration of a facility authorized by a permit.

**§ 1141.29. Initial permit application.**

(a) The Department will publish in the *Pennsylvania Bulletin* notice of initial permit application availability and the time frame during which initial permit applications will be accepted.

(1) An applicant shall only use the initial permit application form prescribed by the Department on its web site.

(2) An applicant shall submit an initial permit application using the form posted on the Department's web site together with a redacted version by mail in an electronic format that is prescribed by the Department in the initial permit application instructions.

(3) An initial permit application received from an applicant after the time frame during which the Department is accepting applications will be rejected by the Department and returned to the applicant without further consideration along with the return of fees submitted by the applicant with the application.

(b) In addition to the requirements in § 1141.27 (relating to general requirements for application), the applicant shall provide the Department with the following information in the initial permit application:

(1) The legal name of the applicant.

(2) Certified copies of the applicant's organizational documents, if applicable, and, if the applicant was not organized in this Commonwealth, evidence that it is authorized to conduct business in this Commonwealth.

(3) The physical address of the applicant's proposed site and facility, including the following, as applicable:

(i) Evidence of the applicant's clear legal title to or option to purchase the proposed site and the facility.

(ii) A fully-executed copy of the applicant's unexpired lease for the proposed site and facility that includes the consent by the property owner to the use by the applicant of that site and facility on the proposed site for, at a minimum, the term of the initial permit.

(iii) Other evidence satisfactory to the Department that shows the applicant has the authority to use the proposed site and facility as a site and facility for, at a minimum, the term of the permit.

(4) Evidence that the applicant is or will be in compliance with the municipality's zoning requirements.

(5) The following apply to the proposed facility:

(i) If the facility is in existence at the time the initial permit application is submitted to the Department, the applicant shall submit plans and specifications drawn to scale for the interior of the facility.

(ii) If the facility is in existence at the time the initial permit application is submitted to the Department, and the applicant intends to make alterations to the facility, the applicant shall submit renovation plans and specifications for the interior and exterior of the facility to be altered.

(iii) If the facility is not in existence at the time the initial permit application is submitted to the Department, the applicant shall submit a plot plan that shows the

proposed location of the facility and an architect's drawing of the facility, including a detailed drawing, to scale, of the interior of the facility.

(6) The name, residential address, date of birth, title and short version of a curriculum vitae of each principal, operator, financial backer and employee of the applicant, or of any person holding an interest in the applicant's proposed site or facility, including:

(i) A verification of identity that is satisfactory to the Department.

(ii) Evidence of good moral character and reputation of each principal, operator, financial backer or employee.

(iii) A copy of a criminal history records check for each individual performed in accordance with § 1141.31 (relating to background checks). This subparagraph does not apply to an applicant who is an owner of securities in a publicly traded company if the Department determines that the owner of the securities is not substantially involved in the activities of the applicant.

(iv) An affidavit from each principal or operator of the applicant setting forth the following:

(A) Any position of management or ownership held during the 10 years preceding the filing date of the initial permit application of a controlling interest in any other business in this Commonwealth or any other jurisdiction involving the manufacturing or distribution of medical marijuana or a controlled substance.

(B) Whether the principal, operator or financial backer has been convicted of a criminal offense graded higher than a summary offense.

(7) If a principal, operator or financial backer is a corporation or limited liability company:

(i) The names, residential addresses, titles and short version of a curricula vitae of each principal of the corporation or limited liability company.

(ii) A certified copy of the filed articles of incorporation of the corporation or filed certificate of organization of the limited liability company.

(iii) Unless the corporation or limited liability company is a publicly traded company, the names and mailing addresses of all persons owning securities in the corporation or membership interests in the limited liability company.

(8) If a principal, operator or financial backer is a general partnership, limited partnership, limited liability partnership or limited liability limited partnership:

(i) The names, residential addresses, titles and short version of a curricula vitae of each partner and general partner of a general partnership, limited partnership, limited liability partnership or limited liability limited partnership, and if any of the partners is a corporation or a limited liability company, the names, residential addresses, titles and short version of a curricula vitae of each principal of that corporation or limited liability company.

(ii) A certified copy of its filed certificate of limited partnership or other formation document, if applicable.

(iii) A certified copy of its partnership agreement.

(iv) Unless the entity is a publicly traded company, the names and mailing addresses of each of its partners.

(9) Evidence that the applicant is responsible and capable of successfully establishing and operating a facility, including the following:

(i) Demonstrated experience, if any, running a for-profit or nonprofit organization or other business within this Commonwealth or any other jurisdiction and the nature of the business conducted by the organization.

(ii) History relating to a similar license, permit or other authorization in other jurisdictions, including provisional licenses, suspensions, revocations or disciplinary actions, including civil monetary penalties or warnings.

(iii) History of response to sanctions, disciplinary actions or civil monetary penalties imposed relating to any similar license, permit or other authorization in another jurisdiction, and the plans of correction or other responses made to those actions.

(iv) Evidence that the applicant and its principals and other persons affiliated with the applicant identified by the Department is in compliance with all the laws of the Commonwealth regarding the payment of State taxes as shown on the tax clearance certificates issued by the Department of Revenue and the Department of Labor and Industry under § 1141.27.

(v) Evidence of any criminal action under the laws of the Commonwealth or any other state, the United States or a military, territorial or tribal authority, graded higher than a summary offense, against a principal, operator, financial backer or employee, or which involved the possession, transportation or sale of illegal drugs, or which related to the provision of marijuana for medical purposes, including any action against an organization providing marijuana for medical purposes in which those individuals either owned shares of stock or served as executives, and which resulted in a conviction, guilty plea or plea of nolo contendere, or an admission of sufficient facts.

(vi) Evidence of any civil or administrative action under the laws of the Commonwealth or any other state, the United States or a military, territorial or tribal authority relating to a principal, operator, financial backer or employee of the applicant's profession, or occupation or fraudulent practices, including fraudulent billing practices.

(vii) Evidence of any attempt by the applicant to obtain a registration, license, permit or other authorization to operate a medical marijuana organization in any jurisdiction by fraud, misrepresentation or the submission of false information.

(viii) A statement that the applicant shall provide evidence of workers' compensation insurance if the applicant is issued a permit and the facility is determined to be operational by the Department.

(10) A description of the duties, responsibilities and roles of each principal, operator, financial backer and employee.

(11) A timetable outlining the steps the applicant will take to become operational.

(12) A summary of the intended plan of operation that describes, at a minimum, how the applicant's proposed business operations will comply with the act and this part relating to:

- (i) Security.
- (ii) Employee qualifications and training.
- (iii) Transportation of medical marijuana.
- (iv) Storage of medical marijuana.
- (v) Labeling of medical marijuana.

(vi) Inventory management.

(vii) With respect to a grower/processor's facility, nutrient practice.

(viii) With respect to a grower/processor's facility, quality control and testing of medical marijuana for potential contamination.

(ix) Recordkeeping.

(x) Preventing unlawful diversion of medical marijuana.

(xi) With respect to a grower/processor's facility, growing of medical marijuana, including a detailed summary of policies and procedures for its growth.

(xii) Establishment, implementation and monitoring of diversity goals under § 1141.32 (relating to diversity goals).

(13) The relevant financial information in § 1141.30 (relating to capital requirements).

(14) Statements that:

(i) The applicant and each principal, operator, financial backer and employee are of good moral character.

(ii) The applicant possesses the ability to obtain in an expeditious manner the right to use the proposed site and facility, including equipment, to properly perform the activity described in the initial permit application.

(iii) The applicant is able to continuously maintain effective security, surveillance and accounting control measures to prevent diversion, abuse and other illegal conduct regarding medical marijuana plants and medical marijuana.

(iv) The applicant is able to continuously comply with all applicable laws of the Commonwealth, the act, this part, and the terms and conditions of the initial permit.

(15) The applicant shall provide the Department with releases sufficient to obtain information from a governmental agency, financial institutions, an employer or any other person. Failure to provide these releases will result in the rejection of the initial permit application.

(16) Other information required by the Department.

(c) If the Department determines that an initial permit application is complete but lacking sufficient information upon which to make a determination, the Department will notify the applicant in writing of the factors that require additional information and documentation. An applicant has 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. An applicant's failure to provide the requested information to the Department by the deadline may be grounds for denial of the issuance of a permit.

(d) At the discretion of the Department, the Department may extend the deadline in subsection (c) for up to an additional 15 days.

(e) The Department may conduct an inspection to determine the appropriateness of a proposed site and facility, the applicant's operational status, the applicant's compliance with the laws and regulations of the Commonwealth, the municipality's zoning requirements relating to the applicant's proposed site and facility, if applicable, and its use as outlined in the permit application. The Department may do the following:

(1) Interview principals, operators, financial backers and employees, including physicians, pharmacists, physician assistants and certified registered nurse practitioners.

ners, engaged and to be engaged in the applicant's operations for the purpose of verifying the information contained in the initial permit application.

(2) Inspect transport vehicles that are or will be utilized in the transportation of medical marijuana to a facility or a laboratory.

**§ 1141.31. Background checks.**

(a) To provide the criminal history record check required under § 1141.29 (relating to initial permit application), an applicant shall submit fingerprints of its principals, financial backers, operators and employees to the Pennsylvania State Police. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the individuals whose fingerprints have been submitted and obtaining a current record of criminal arrests and convictions.

(b) The Department may only use criminal history background check information obtained under this section to determine the character, fitness and suitability to serve in the designated capacity of the principal, financial backer, operator and employee.

(c) This section does not apply to an owner of securities in a publicly traded company if the Department determines that the owner is not substantially involved in the activities of the medical marijuana organization.

(d) A financial backer, principal or employee may not hold a volunteer position, position for remuneration or otherwise be affiliated with a medical marijuana organization or a clinical registrant if the individual has been convicted of a criminal offense relating to the sale or possession of illegal drugs, narcotics or controlled substances.

**§ 1141.33. Review of initial permit applications.**

(a) The Department will review initial permit applications submitted by applicants according to the criteria in section 603(a.1) of the act (35 P.S. § 10231.603(a.1)) and the factors in § 1141.24(b) (relating to medical marijuana regions).

(b) The Department will publish the number of permits to be issued and the location of each permit in the *Pennsylvania Bulletin* prior to the time the initial permit applications are made available for submission.

**§ 1141.36. Permit renewal applications.**

(a) A medical marijuana organization wishing to renew its permit shall submit to the Department a permit renewal application not more than 6 months, nor less than 4 months, prior to the current permit's expiration.

(b) A medical marijuana organization shall submit the applicable fee in § 1141.28 (relating to fees) with the permit renewal application.

(c) A medical marijuana organization shall include the following in the permit renewal application:

(1) Information regarding any charge, or any initiated, pending or concluded investigation, during the period of the initial permit or prior renewal period, by any governmental or administrative agency with respect to:

(i) Any incident involving the theft, loss or possible diversion of medical marijuana by the medical marijuana organization or from the medical marijuana organization's facility.

(ii) Compliance by the medical marijuana organization with the laws of the Commonwealth with respect to any

substance in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).

(2) Information concerning the medical marijuana organization's ability to carry on the activity for which the permit was issued, including medical marijuana product shortages or wait lists occurring during the 12 months prior to the date the renewal permit application was submitted.

(3) The medical marijuana organization's history of compliance with the act and this part.

(d) If the Department determines that a permit renewal application is complete but lacking sufficient information upon which to make a determination, the Department will notify the medical marijuana organization in writing of the factors that require additional information and documentation. The medical marijuana organization shall have 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. A medical marijuana organization's failure to provide the requested information to the Department by the deadline may be grounds for denial of the permit renewal application.

(e) The Department may conduct an onsite inspection of the medical marijuana organization's site and facility to determine an applicant's continuing compliance with the act and this part.

**§ 1141.37. Denial of renewal of a permit.**

(a) The Department will deny the renewal of a permit if the Department determines:

(1) The medical marijuana organization has not or is unlikely to be able to continuously maintain effective control against diversion of medical marijuana at its facility.

(2) The medical marijuana organization falsified any part of the permit renewal application or any other application submitted to the Department under this part.

(3) The medical marijuana organization is unlikely to comply with all Commonwealth and local laws applicable to the activities in which it may engage under the permit, if renewed.

(b) An existing permit is immediately invalid upon expiration if the medical marijuana organization has not filed a permit renewal application in accordance with § 1141.36 (relating to permit renewal applications) and remitted the required fees in accordance with § 1141.28 (relating to fees).

(c) Except as provided in subsection (e), a medical marijuana organization may not operate if its permit is not renewed prior to expiration.

(d) If the Department denies renewal of the permit or if the medical marijuana organization fails to submit a permit renewal application and permit renewal fee as required under § 1141.28, the medical marijuana organization shall do the following upon the expiration of the permit:

(1) Cease all operations authorized by the permit.

(2) In the case of a grower/processor, dispose of any remaining medical marijuana, medical marijuana products, plant matter, seed or any growing equipment as set forth in § 1151.40 (relating to management and disposal of medical marijuana waste).

(3) In the case of a dispensary, return the medical marijuana or medical marijuana products to the grower/

processor where the medical marijuana and medical marijuana products originated.

(e) If a medical marijuana organization submits a permit renewal application and permit renewal fee to the Department as required under § 1141.28, the Department may administratively extend the existing permit from the date the existing permit expires until the Department can complete its permit renewal application review.

**§ 1141.38. Duty to report.**

(a) During the application process, or at any time during the permit period if a permit is issued, an applicant or permittee shall notify the Department:

(1) In writing of any change in facts or circumstances reflected in the initial permit application or any permit renewal application submitted to the Department, or any newly discovered or occurring fact or circumstance which would have been included in the application if known at the time the application was submitted.

(2) In writing of any proposed modification of its plan of operation at least 30 days prior to the proposed modification.

(3) Immediately upon becoming aware, and State and local law enforcement immediately upon becoming aware, of any adverse loss from the permittee's facility or any vehicle transporting medical marijuana to or from the permittee's facility.

(b) If the change in information involves a change in control of the medical marijuana organization, the medical marijuana organization shall surrender its existing permit to the Department, unless the medical marijuana organization submits an application for approval of a change in ownership of a medical marijuana organization in accordance with § 1141.39 (relating to application for approval of a change in ownership of a medical marijuana organization).

(c) If the change in information involves a change in any of the activities on the medical marijuana organization site, including any of the following, the medical marijuana organization shall surrender its existing permit to the Department and take action as required under § 1141.43 (relating to closure of a facility):

- (1) Discontinuance of operations.
- (2) Removal of all medical marijuana from the sites and locations by State or Federal authority.

**§ 1141.42. Failure to be operational.**

(a) No more than 6 months from the date of issuance of a permit, a medical marijuana organization shall notify the Department, on a form prescribed by the Department, that it is operational.

(b) After the Department receives the notification in subsection (a), the Department will inspect the facility to determine if the medical marijuana organization is operational to the satisfaction of the Department.

(c) If the medical marijuana organization has not met the operational timetable in the initial permit application to the satisfaction of the Department at the time of the inspection conducted under subsection (b), the Department will notify the medical marijuana organization of the deficiencies. Within 30 days of receiving the Department's notice, the medical marijuana organization shall submit to the Department for approval a plan of correction that sets forth the medical marijuana organization's timeline and a date certain, which may not extend beyond

90 days following the date the Department approves the plan of correction, for correcting the deficiencies.

(d) If the medical marijuana organization does not comply with its plan of correction as approved by the Department within 90 days following the Department's approval, the Department may revoke or suspend the medical marijuana organization's permit under § 1141.47 (relating to general penalties and sanctions).

**§ 1141.43. Closure of a facility.**

(a) A medical marijuana organization shall notify the Department in writing immediately, but in no event less than 60 days prior to the projected date of closure, upon making a determination that it intends to close its facility.

(b) A medical marijuana organization may not accept or purchase seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, other plant matter, medical marijuana products, equipment, or medical devices or instruments as of the date of notice.

(c) The notice must be accompanied by the medical marijuana organization's written plan for closing the facility which must include the following information:

- (1) The projected date of closure.
- (2) How it intends to notify in writing, prior to the projected date for closure, any person to which the medical marijuana organization provides medical marijuana or medical marijuana services prior to closure.
- (3) How it intends to dispose of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, medical marijuana products or other plant matter projected to still be in the facility at the time of the projected closure in accordance with § 1151.40 (relating to management and disposal of medical marijuana waste).
- (4) How it intends to dispose of equipment or medical devices or instruments used by the medical marijuana organization in its operations at the facility.

(d) A medical marijuana organization may not remove or destroy any seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, other plant matter, medical marijuana products, equipment, or medical devices or instruments until the Department has approved its plan for closure submitted under subsection (c) and shall comply with all requirements regarding disposal of medical marijuana in § 1151.40.

(e) The Department may enter the site and facility and inspect the medical marijuana organization's vehicles following receipt of a medical marijuana organization's plan of closure to determine whether to approve the medical marijuana organization's closure plan.

(f) If the Department approves the medical marijuana organization's plan to close the facility submitted under this section, the medical marijuana organization shall surrender its permit to the Department on or before the date for closure provided in the plan.

**§ 1141.45. Inspection and investigation.**

(a) The Department may conduct announced or unannounced inspections or investigations to determine the medical marijuana organization's compliance with its permit, the act or this part.

(b) An investigation or inspection may include:

- (1) Inspection of a medical marijuana organization's site, facility, vehicles, books, records, papers, documents, data, and other physical or electronic information.

(2) Questioning of employees, principals, operators and financial backers of the medical marijuana organization.

(3) Inspection of a grower/processor facility's equipment, instruments, tools and machinery that are used to grow, process and package medical marijuana, including containers and labels.

(c) The Department and its authorized agents will have free access to review and, if necessary, make copies of books, records, papers, documents, data, or other physical or electronic information that relates to the business of the medical marijuana organization, including financial data, sales data, shipping data, pricing data and employee data.

(d) Failure of a medical marijuana organization to provide the Department and its authorized agents immediate access to any part of a medical marijuana organization's site or facility, requested material, physical or electronic information, or individual as part of an inspection or investigation may result in the imposition of a civil monetary penalty, suspension or revocation of its permit, or an immediate cessation of operations pursuant to a cease and desist order issued by the Department.

(e) The Department and its authorized agents will have free access to any area within a site or facility that is being used to store medical marijuana for testing purposes and are permitted to collect test samples for testing at an approved laboratory.

#### § 1141.46. Reports.

(a) A medical marijuana organization shall submit the following reports to the Department, on forms prescribed by the Department, at the end of the first 12-month period following the issuance of a permit, and as of the end of each 3-month period thereafter:

(1) In the case of a grower/processor:

(i) The amount of medical marijuana sold by the grower/processor during the period for which the report is being submitted.

(ii) The per-dose price of an amount of medical marijuana sold by the grower/processor to a medical marijuana organization in a unit of measurement as determined by the Department.

(2) In the case of a dispensary:

(i) The amount of medical marijuana purchased by the dispensary during the period for which the report is being submitted.

(ii) The per-dose price of medical marijuana purchased by a dispensary in a unit of measurement as determined by the Department.

(iii) The per-dose price of an amount of medical marijuana dispensed to a patient or caregiver by a dispensary and in a unit of measurement as determined by the Department.

(b) The Department will aggregate the information in the reports submitted by medical marijuana organizations under subsection (a) and post the information on the Department's web site.

(c) The Department may require ongoing reporting of operational and financial information in a form and manner prescribed by the Department.

(d) The Department may require any reports necessary to carry out its responsibilities under the act and this part.

#### § 1141.50. Advertising by a medical marijuana organization.

(a) In the advertising and marketing of medical marijuana, a medical marijuana organization shall be consistent with the Federal regulations governing prescription drug advertising and marketing in 21 CFR 202.1 (relating to prescription-drug advertisements).

(b) Promotional, advertising and marketing materials shall be approved by the Department prior to their use.

(c) This part does not apply to information provided by a grower/processor to a dispensary listing various medical marijuana items that the grower/processor is offering for sale to the dispensary.

#### § 1141.51. Technical advisories.

The Department may issue technical advisories to assist permittees in complying with the act and this part. Technical advisories do not have the force of law or regulation, but will provide guidance on the Department's interpretation of, and how a permittee may maintain compliance with, the act and this part. Notice of the availability of a technical advisory will be published in the *Pennsylvania Bulletin*.

### CHAPTER 1151. GROWERS/PROCESSORS

#### § 1151.21. Growers/processors generally.

(a) The qualifications that a grower/processor shall meet to receive a permit are continuing qualifications to maintain the permit.

(b) In addition to any other requirements in the act or this part, a grower/processor shall comply with the following:

(1) A grower/processor may not engage in the business of growing, processing, possessing, selling or offering to sell medical marijuana to another medical marijuana organization or to a clinical registrant within this Commonwealth without first being issued a permit by the Department and without first being determined operational by the Department as required under § 1141.42 (relating to failure to be operational).

(2) A grower/processor may not employ an individual at its facility who is under 18 years of age.

#### § 1151.22. Plans of operation.

(a) At the time the Department determines a grower/processor to be operational, the grower/processor shall provide the Department with a full and complete plan of operation for review that includes the following:

(1) Employment policies and procedures.

(2) Security policies and protocols including:

(i) Staff identification measures.

(ii) Monitoring of attendance of staff and visitors.

(iii) Alarm systems.

(iv) Video surveillance.

(v) Monitoring and tracking inventory.

(vi) Personal security.

(3) A process for growing, receiving, processing, packaging, labeling, handling, tracking, transporting, storing, disposing and recalling of medical marijuana and a process for handling, tracking, transporting, storing and disposing of medical marijuana waste in accordance with applicable laws, rules and regulations.

(4) Workplace safety, including conducting necessary safety checks prior to starting the growing and processing of medical marijuana.

(5) Contamination protocols.

(6) Maintenance, cleaning and sanitation of equipment in the facility or on the site, or both.

(7) Maintenance and sanitation of the site or the facility, or both.

(8) Proper handling and storage of any solvent, gas or other chemical used in growing or processing medical marijuana in accordance with this part and other applicable laws, rules and regulations.

(9) Quality control, including regulation of the amount of THC in each process lot, proper labeling and minimization of medical marijuana contamination.

(10) Inventory maintenance and reporting procedures.

(11) The investigation of complaints and potential adverse events from other medical marijuana organizations, patients, caregivers or practitioners regarding the operation of the grower/processor.

(12) A recall plan meeting the requirements of § 1151.42(d) (relating to complaints about or recall of medical marijuana).

(b) A grower/processor shall make the full and complete plan of operation available to the Department upon request and during any inspection of the site and facility.

**§ 1151.23. Grower/processor facilities.**

(a) A grower/processor may only grow, store, harvest or process medical marijuana in an indoor, enclosed, secure facility as approved by the Department.

(b) The following areas of a facility must be clearly marked with proper signage:

(1) Medical marijuana growing and processing areas. These areas shall be easily observed by the Department and its authorized agents and by law enforcement.

(2) Nongrowing and nonprocessing areas.

(3) Limited access areas. All areas of ingress and egress to a limited access area must be clearly identified by the posting of a sign which must be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which must state:

Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors.

(4) Areas that include business offices and reception rooms.

(c) A facility shall have an enclosed secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle.

**§ 1151.25. Visitor access to grower/processor facilities.**

(a) A grower/processor facility may not be open to the general public. A grower/processor shall require visitors, including vendors, contractors and other individuals requiring access to the facility for purposes regarding the growing, processing or testing of medical marijuana, to sign a visitor log and wear a visitor identification badge that is visible to others at all times while on the site and in the facility.

(b) A grower/processor shall require visitors to present government-issued identification that contains a photo to gain access to the site and facility.

(c) No one under 18 years of age is permitted to enter a grower/processor site and facility.

(d) A grower/processor shall post a sign in a conspicuous location at each entrance of the site and facility that states:

THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE. NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER.

(e) A grower/processor shall do the following when admitting a visitor to its site and facility:

(1) Require the visitor to sign a visitor log upon entering and leaving the facility.

(2) Check the visitor's government-issued identification to verify that the name on the identification provided matches the name in the visitor log. A photocopy of the identification must be retained with the log.

(3) Issue a visitor identification badge with the visitor's name and company, if applicable, and a badge number.

(4) Escort the visitor while the visitor remains in the facility or on the site.

(5) Ensure that the visitor does not touch any medical marijuana plant or medical marijuana located in a limited access area.

(f) The following apply to the visitor log required under subsections (a) and (e):

(1) The grower/processor shall maintain the log for 4 years and make the log available to the Department, State or local law enforcement, and other State or local government officials upon request if necessary to perform the government officials' functions and duties.

(2) The log must include the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure and the purpose of the visit, including the areas of the site and the facility visited and the name of each employee visited.

(g) This section does not limit the right of the Department or its authorized agents, or other Federal, State or local government officials, from entering any area of a grower/processor site and facility if necessary to perform the governmental officials' functions and duties.

(h) A principal, financial backer, operator or an employee of a grower/processor may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.

**§ 1151.26. Security and surveillance.**

(a) A grower/processor shall have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry and to prevent and detect an adverse loss. The security and surveillance systems must include the following:

(1) A professionally-monitored security alarm system that includes the following:

(i) Coverage of all facility entrances and exits; rooms with exterior windows, exterior walls, roof hatches or skylights; storage rooms, including those that contain medical marijuana and safes; and the perimeter of the facility.

(ii) A silent security alarm system signal, known as a duress alarm, generated by the entry of a designated code into an arming station to signal that the alarm user is being forced to turn off the system.

(iii) An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.

(iv) A silent alarm signal, known as a holdup alarm, generated by the manual activation of a device intended to signal a robbery in progress.

(v) An electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message requesting dispatch, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency.

(vi) A failure notification system that provides an audible, text or visual notification of any failure in the systems. The failure notification system must provide by telephone, e-mail or text message an alert to a designated security person within the facility within 5 minutes after the failure.

(vii) Smoke and fire alarms.

(viii) Auxiliary power sufficient to maintain operation of specified growing and processing areas identified in the grower/processor's plan of operation for at least 48 hours following a power outage.

(ix) The ability to ensure all access doors are not solely controlled by an electronic access panel to prevent locks from becoming released during a power outage.

(x) Motion detectors.

(2) A professionally-monitored security and surveillance system that is operational 24 hours a day, 7 days a week and records all activity in images capable of clearly revealing facial detail. The security and surveillance system must include the following:

(i) Fixed camera placement that allows for a clear image of all individuals and activities in and around the following:

(A) All limited access areas.

(B) A room or area containing a security and surveillance system storage device or equipment.

(C) Entrances to and exits from the facility. Entrances and exits must be recorded from both indoor and outdoor vantage points.

(D) Rooms with exterior windows, exterior walls, roof hatches, or skylights and storage rooms, including those that may contain medical marijuana and safes.

(E) Twenty feet from the exterior of the perimeter of the facility.

(ii) Auxiliary power sufficient to maintain operation for at least 48 hours following a power outage.

(iii) Ability to operate under the normal lighting conditions of each area under surveillance.

(iv) Ability to immediately produce a clear, color, still photograph in a digital format that meets the requirements of this subsection.

(3) Ability to clearly and accurately display the date and time. The date and time must be synchronized and set correctly and may not significantly obscure the picture.

(4) Ability to record all images captured by each surveillance camera for a minimum of 4 years in a format that may be easily accessed for investigative purposes. The recordings must be kept:

(i) At the facility:

(A) In a locked cabinet, closet or other secure place to protect it from tampering or theft.

(B) In a limited access area or other room to which access is limited to authorized individuals.

(ii) At a secure location other than the location of the facility if approved by the Department.

(5) A security alarm system separate from the facility's primary security system covering the limited access area or other room where the recordings under paragraph (4) are stored. The separate security alarm system must meet the same requirements as the facility's primary security alarm system.

(b) The following apply regarding the inspection, servicing or alteration of, and the upgrade to, the site's and facility's security and surveillance systems:

(1) The systems shall be inspected and all devices tested once every year by a qualified alarm system vendor and a qualified surveillance system vendor, as approved by the Department.

(2) The grower/processor shall conduct maintenance inspections once every month to ensure that any repairs, alterations or upgrades to the security and surveillance systems are made for the proper operation of the systems.

(3) The grower/processor shall retain at the facility, for at least 4 years, records of all inspections, servicing, alterations and upgrades performed on the systems and shall make the records available to the Department and its authorized agents within 2 business days following a request.

(4) In the event of a mechanical malfunction of the security or surveillance system that a grower/processor anticipates will exceed an 8-hour period, the grower/processor shall notify the Department immediately and, with Department approval, provide alternative security measures that may include closure of the facility.

(5) The grower/processor shall designate an employee to continuously monitor the security and surveillance systems at the facility.

(6) The following apply regarding records retention:

(i) Within 2 business days following a request, a grower/processor shall provide up to four screen captures of an unaltered copy of a video surveillance recording to the Department or its authorized agents, law enforcement or other Federal, State or local government officials if necessary to perform the governmental officials' functions and duties.

(ii) If a grower/processor has been notified in writing by the Department or its authorized agents, law enforcement or other Federal, State or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, the grower/processor shall retain an unaltered copy of the recording for 4 years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the grower/processor that it is not necessary to retain the recording, whichever is longer.

(c) The grower/processor shall install commercial-grade, nonresidential doors and door locks on each external door of the facility. Keys or key codes for all doors shall remain in the possession of designated authorized individuals.

(d) During all nonworking hours, all entrances to and exits from the site and facility must be securely locked.



(e) The grower/processor shall have an electronic back-up system for all electronic records.

(f) The grower/processor shall install lighting to ensure proper surveillance inside and outside of the facility.

(g) A grower/processor shall limit access to a room containing security and surveillance monitoring equipment to persons who are essential to maintaining security and surveillance operations; Federal, State and local law enforcement; security and surveillance system service employees; the Department or its authorized agents; and other persons with the prior written approval of the Department. The following apply:

(1) A grower/processor shall make available to the Department or the Department's authorized agents, upon request, a current list of authorized employees and service employees or contractors who have access to any security and surveillance areas.

(2) A grower/processor shall keep security and surveillance rooms locked at all times and may not use these rooms for any other purpose or function.

**§ 1151.27. Requirements for growing and processing medical marijuana.**

(a) A grower/processor shall use only pesticides, fungicides or herbicides that are approved by the Department of Agriculture for use on medical marijuana plants and listed in Appendix A (relating to acceptable pesticide active ingredients for use). The Department will periodically publish a notice in the *Pennsylvania Bulletin* updating the list of pesticides, fungicides or herbicides.

(b) A grower/processor shall use the pesticides, fungicides or herbicides listed in Appendix A in a manner that is approved by the Department of Agriculture on the basis of Federal law and regulations.

(c) A grower/processor shall maintain a log of all actions taken to detect pests or pathogens, and the measures taken for control.

(d) A grower/processor shall:

- (1) Use appropriate nutrient practices.
- (2) Use a fertilizer or hydroponic solution of a type, formulation and at a rate to support healthy growth of plants.

(3) Maintain records of the type and amounts of fertilizer and any growth additives used.

(e) A grower/processor shall perform visual inspections of growing plants and harvested plant material to ensure there is no visible mold, mildew, pests, rot, or grey or black plant material that is greater than an acceptable level as determined by the Department.

(f) A grower/processor may not add any additional active ingredients or materials to medical marijuana that alters the color, appearance, smell, taste, effect or weight of the medical marijuana unless the grower/processor has first obtained the prior written approval of the Department. Excipients must be pharmaceutical grade, unless otherwise approved by the Department.

(g) A grower/processor shall have a separate and secure area for temporary storage of medical marijuana that is awaiting disposal by the grower/processor.

(h) A grower/processor shall only process the parts of the medical marijuana plant that:

- (1) Are free of seeds and stems.

(2) Are free of dirt, sand, debris or other foreign matter.

(3) Contain a level of mold, rot or other fungus or bacterial diseases acceptable to the Department.

(i) A grower/processor shall process the medical marijuana plants in a safe and sanitary manner. The following apply:

(1) Medical marijuana, raw material and other product used in the processing of medical marijuana shall be handled on food-grade stainless steel benches or tables.

(2) Proper sanitation shall be maintained.

(3) Proper rodent, bird and pest exclusion practices shall be employed.

(j) A grower/processor shall install a system to monitor, record and regulate:

- (1) Temperature.
- (2) Humidity.
- (3) Ventilation.
- (4) Lighting.
- (5) Water supply.

**§ 1151.29. Limit on medical marijuana processing.**

(a) In the form intended to be sold to another medical marijuana organization, medical marijuana must have a specific concentration of total THC and total CBD and must have a consistent cannabinoid profile. The concentration of the following cannabinoids, at a minimum, shall be reported to the Department by an approved laboratory and include the following on the label:

- (1) Tetrahydrocannabinol (THC).
- (2) Tetrahydrocannabinol acid (THCA).
- (3) Tetrahydrocannabivarin (THCV).
- (4) Cannabidiol (CBD).
- (5) Cannabinadiolic acid (CBDA).
- (6) Cannabidivarin (CBDV).
- (7) Cannabinol (CBN).
- (8) Cannabigerol (CBG).
- (9) Cannabichromene (CBC).
- (10) Any other cannabinoid component at > 0.1%.

(b) Within the first 6 months after the Department determines the grower/processor to be operational, the grower/processor shall provide the Department with a forecast of the amount of medical marijuana it projects it will produce and in what form. The grower/processor shall notify the Department in writing immediately upon becoming aware of a potential increase or decrease in the forecasted amount occurring within any subsequent 6-month period.

**§ 1151.30. Inventory data.**

(a) A grower/processor shall maintain the following inventory data in its electronic tracking system which must include an accounting of and an identifying tracking number for:

- (1) The number, weight and type of seeds.
- (2) The number of immature medical marijuana plants.
- (3) The number of medical marijuana plants.
- (4) The number of medical marijuana products ready for sale.

(5) The number of damaged, defective, expired or contaminated seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana products awaiting disposal.

(b) A grower/processor shall establish inventory controls and procedures to conduct inventory reviews and comprehensive inventories at its facility. The following apply:

(1) Inventory reviews of medical marijuana plants in the process of growing and medical marijuana and medical marijuana products that are being stored for future sale shall be conducted monthly.

(2) Comprehensive inventories of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana and medical marijuana products shall be conducted at least annually.

(c) A written or electronic record shall be created and maintained of each inventory conducted under subsection (b) that includes the date of the inventory, a summary of the inventory findings, and the employee identification numbers and titles or positions of the individuals who conducted the inventory.

**§ 1151.31. Storage requirements.**

(a) A grower/processor shall have separate locked limited access areas for storage of seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana that are expired, damaged, deteriorated, mislabeled, contaminated, recalled or whose containers or packaging have been opened or breached until the seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana are destroyed or otherwise disposed of as required under § 1151.40 (relating to management and disposal of medical marijuana waste).

(b) A grower/processor shall maintain all storage areas in a clean and orderly condition and free from infestation by insects, rodents, birds and pests.

**§ 1151.33. Sanitation and safety in a facility.**

(a) A grower/processor shall maintain its facility in a sanitary condition to limit the potential for contamination or adulteration of the medical marijuana grown and processed in the facility. The following apply:

(1) Equipment and surfaces, including floors, counters, walls and ceilings, shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the United States Environmental Protection Agency, in accordance with the instructions printed on the label. Equipment and utensils shall be so designed and of such material and workmanship as to be capable of being adequately cleaned.

(2) Trash shall be properly removed.

(3) Floors, walls and ceilings shall be kept in good repair.

(4) Equipment, counters and surfaces for processing must be food grade quality and may not react adversely with any solvent being used.

(5) Adequate protection against pests shall be provided through the use of integrated pest management practices and techniques that identify and manage plant pathogens and pest problems, and the regular disposal of trash to prevent infestation.

(6) Toxic cleaning compounds, sanitizing agents, solvents used in the growing and processing of medical marijuana, and pesticide chemicals must be labeled and stored in a manner that prevents contamination of seeds,

immature medical marijuana plants, medical marijuana plants and medical marijuana, and in a manner that otherwise complies with other applicable laws and regulations.

(b) An employee working in direct contact with medical marijuana is subject to the restrictions on food handlers in § 27.153 (relating to restrictions on food handlers). An employee shall otherwise conform to sanitary practices while on duty, including the following:

(1) Maintaining adequate personal hygiene.

(2) Wearing proper clothing, including gloves.

(3) Washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when hands may have become soiled or contaminated.

(c) A grower/processor shall provide its employees and visitors with adequate and convenient hand-washing facilities furnished with running water at a temperature suitable for sanitizing hands. The following apply:

(1) Hand-washing facilities must be located in processing areas and where good sanitary practices require employees to wash and sanitize their hands.

(2) Effective nontoxic sanitizing cleansers and sanitary towel service or suitable drying devices shall be provided.

(d) A grower/processor shall provide its employees and visitors with adequate, readily accessible lavatories that are maintained in a sanitary condition and in good repair.

(e) A grower/processor shall ensure that its facility is provided with a water supply sufficient for its operations, which shall be derived from a source that is a public water system, or a nonpublic system that is capable of providing a safe, potable and adequate supply of water to meet the operational needs of the facility.

(f) A grower/processor shall comply with all other applicable State and local building code requirements.

**§ 1151.34. Packaging and labeling of medical marijuana.**

(a) A grower/processor shall package and label at its facility each form of medical marijuana prepared for sale. The original seal of a package may not be broken, except for quality control testing at an approved laboratory, for adverse loss investigations conducted by the Department or by a dispensary that purchased the medical marijuana.

(b) A grower/processor shall package the medical marijuana in a package that minimizes exposure to oxygen and that is:

(1) Child-resistant.

(2) Tamper-proof or tamper-evident.

(3) Light-resistant and opaque.

(4) Resealable.

(c) A grower/processor shall identify each process lot of medical marijuana with a unique identifier.

(d) A grower/processor shall obtain the prior written approval of the Department of the content of any label to be affixed to a medical marijuana package. Each label must:

(1) Be easily readable.

(2) Made of weather-resistant and tamper-resistant materials.

(3) Be conspicuously placed on the package.

(4) Include the name, address and permit number of the grower/processor.

(5) List the form, quantity and weight of medical marijuana included in the package.

(6) List the amount of individual doses contained within the package and the species and percentage of THC and CBD.

(7) Contain an identifier that is unique to a particular harvest batch of medical marijuana, including the number assigned to each harvest lot or process lot in the harvest batch.

(8) Include the date the medical marijuana was packaged.

(9) State the employee identification number of the employee preparing the package and packaging the medical marijuana.

(10) State the employee identification number of the employee shipping the package, if different than the employee described in paragraph (9).

(11) Contain the name and address of the dispensary to which the package is to be sold.

(12) List the date of expiration of the medical marijuana.

(13) Include instructions for proper storage of the medical marijuana in the package.

(14) Contain the following warning stating:

This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.

(15) Contain a warning that the medical marijuana must be kept in the original container in which it was dispensed.

(16) Contain a warning that unauthorized use is unlawful and will subject the purchaser to criminal penalties.

(e) Labeling by a grower/processor of any medical marijuana may not bear:

(1) Any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available food or beverage product.

(2) Any statement, artwork or design that could reasonably lead an individual to believe that the package contains anything other than medical marijuana.

(3) Any seal, flag, crest, coat of arms or other insignia that could reasonably mislead an individual to believe that the product has been endorsed, manufactured or approved for use by any state, county or municipality or any agency thereof.

(4) Any cartoon, color scheme, image, graphic or feature that might make the package attractive to children.

**§ 1151.35. Transportation of medical marijuana.**

(a) A grower/processor may transport and deliver medical marijuana to a medical marijuana organization or an approved laboratory in this Commonwealth in accordance with this section. The following apply:

(1) A grower/processor may deliver medical marijuana to a medical marijuana organization or an approved laboratory only between 7 a.m. and 9 p.m.

(2) A grower/processor may contract with a third-party contractor for delivery so long as the contractor complies with this section.

(3) A grower/processor may not transport medical marijuana to any location outside of this Commonwealth.

(4) A grower/processor shall use a global positioning system to ensure safe, efficient delivery of the medical marijuana to a medical marijuana organization or an approved laboratory.

(b) Vehicles permitted to transport medical marijuana must:

(1) Be equipped with a secure lockbox or locking cargo area.

(2) Have no markings that would either identify or indicate that the vehicle is being used to transport medical marijuana.

(3) Be capable of being temperature-controlled for perishable medical marijuana, as appropriate.

(4) Display current State inspection stickers and maintain a current State vehicle registration.

(5) Be insured in an amount that is commercially reasonable and appropriate.

(c) A transport vehicle must be staffed with a delivery team consisting of at least two individuals and comply with the following:

(1) At least one delivery team member shall remain with the vehicle at all times that the vehicle contains medical marijuana.

(2) Each delivery team member shall have access to a secure form of communication with the grower/processor, such as a cellular telephone, at all times that the vehicle contains medical marijuana.

(3) Each delivery team member shall carry an identification badge or card at all times and shall, upon demand, produce it to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

(4) Each delivery team member shall have a valid driver's license.

(5) While on duty, a delivery team member may not wear any clothing or symbols that may indicate ownership or possession of medical marijuana.

(d) Medical marijuana stored inside the transport vehicle may not be visible from the outside of the transport vehicle.

(e) Except as provided in subsection (h), a delivery team shall proceed in a transport vehicle from the facility, where the medical marijuana is loaded, directly to the medical marijuana organization or approved laboratory, where the medical marijuana is unloaded, without unnecessary delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple facilities or approved laboratories, as appropriate, to deliver medical marijuana.

(f) A grower/processor shall immediately report to the Department, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by

the Department, vehicle accidents, diversions, losses or other reportable events that occur during transport of medical marijuana.

(g) A grower/processor shall notify the Department daily of its delivery schedule, including routes and delivery times, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department.

(h) A transport vehicle is subject to inspection by the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties. A transport vehicle may be stopped and inspected along its delivery route or at any medical marijuana organization or approved laboratory.

**§ 1151.36. Transport manifest.**

(a) A grower/processor shall generate a printed or electronic transport manifest that accompanies every transport vehicle and contains the following information:

(1) The name, address and permit number of the grower/processor and the name of and contact information for a representative of the grower/processor who has direct knowledge of the transport.

(2) The name, address and permit number of the medical marijuana organization or approved laboratory receiving the delivery and the name of and contact information for a representative of the medical marijuana organization or approved laboratory.

(3) The quantity, by weight or unit, of each medical marijuana harvest batch, harvest lot or process lot contained in the transport, along with the identification number for each batch or lot.

(4) The date and approximate time of departure.

(5) The date and approximate time of arrival.

(6) The transport vehicle's make and model and license plate number.

(7) The identification number of each member of the delivery team accompanying the transport.

(b) When a delivery team delivers medical marijuana to multiple medical marijuana organizations or approved laboratories, the transport manifest must correctly reflect the specific medical marijuana in transit. Each recipient shall provide the grower/processor with a printed receipt for the medical marijuana received.

(c) All medical marijuana being transported shall be packaged in shipping containers and labeled in accordance with § 1151.34 (relating to packaging and labeling of medical marijuana).

(d) A grower/processor shall provide a copy of the transport manifest to the recipient receiving the medical marijuana described in the transport manifest. To maintain confidentiality, a grower/processor may prepare separate manifests for each recipient.

(e) A grower/processor shall, if requested, provide a copy of the printed transport manifest, and any printed receipts for medical marijuana being transported, to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

**§ 1151.37. Transportation of seeds, immature medical marijuana plants and medical marijuana plants.**

(a) A grower/processor may transport seeds, immature medical marijuana plants and medical marijuana plants within this Commonwealth for the growing and processing of medical marijuana.

(b) A grower/processor may not transport seeds, immature medical marijuana plants or medical marijuana plants to a location outside of this Commonwealth.

(c) A grower/processor's authorization to transport seeds, immature medical marijuana plants or medical marijuana plants shall be subject to the requirements of §§ 1151.35, 1151.36 and 1151.38 (relating to transportation of medical marijuana; transport manifest; and evidence of adverse loss during transport).

**§ 1151.38. Evidence of adverse loss during transport.**

(a) If a grower/processor receiving a delivery of medical marijuana or medical marijuana products from a medical marijuana organization discovers a discrepancy in the transport manifest upon delivery, the grower/processor shall refuse acceptance of the delivery and immediately report the discrepancy to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, and to the appropriate law enforcement authorities.

(b) If a grower/processor discovers evidence of, or reasonably suspects, a theft or diversion of medical marijuana or medical marijuana products during transport, the grower/processor shall immediately report its findings or suspicions to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department and to law enforcement.

(c) If a grower/processor discovers a discrepancy in the transport manifest, the grower/processor shall:

(1) Conduct an investigation.

(2) Amend the grower/processor's standard plan of operation, if necessary, to prevent future discrepancies between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered.

(3) Submit a report of the investigation to the Department. The following apply:

(i) A written preliminary report of the investigation shall be submitted to the Department within 7 days of discovering the discrepancy.

(ii) A final written report of the investigation shall be submitted to the Department within 30 days of discovering the discrepancy.

**§ 1151.39. Electronic tracking system.**

A grower/processor shall use the electronic tracking system prescribed by the Department containing the requirements in section 701 of the act (35 P.S. § 10231.701). The Department will publish notice of the electronic tracking system to be utilized by a grower/processor in the *Pennsylvania Bulletin* 60 days prior to the implementation date of the system.

**§ 1151.40. Management and disposal of medical marijuana waste.**

(a) Medical marijuana waste generated by a grower/processor or an approved laboratory shall be stored, collected and transported in accordance with 25 Pa. Code Chapter 285 (relating to storage, collection and transportation of municipal waste), provided the medical marijuana waste is not hazardous.

(b) The following types of medical marijuana waste shall be rendered unusable and unrecognizable prior to being transported from a grower/processor or an approved laboratory:

(1) Unused, surplus, returned, recalled, contaminated or expired medical marijuana.

(2) Any medical marijuana plant material that is not used in the growing, harvesting or processing of medical marijuana, including flowers, stems, trim, leaves, seeds, dead medical marijuana plants, dead immature medical marijuana plants, unused medical marijuana plant parts, unused immature medical marijuana plant parts or roots.

(c) Medical marijuana waste is unusable and unrecognizable if all components of the waste are indistinguishable and incapable of being ingested, inhaled, injected, swallowed or otherwise used for certified medical use. Acceptable methods of rendering the waste unusable and unrecognizable include thermal treatment or melting; shredding, grinding or tearing; and incorporating the medical marijuana waste with other municipal waste.

(d) Unusable and unrecognizable medical marijuana waste identified in subsection (b) and other solid or semi-solid medical marijuana waste that is not hazardous shall be disposed of at a permitted municipal waste landfill or processed at a permitted resource recovery facility or incinerator.

(e) Wastewater or spent hydroponic nutrient solution generated or produced from the growing, harvesting or processing of immature medical marijuana plants or medical marijuana plants shall be managed in accordance with one of the following:

(1) Discharged into a permitted sewage treatment system in accordance with local, Federal and State requirements, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance).

(2) Treated and discharged into waters of the Commonwealth under a National Pollutant Discharge Elimination System permit or water quality management permit in accordance with the requirements of The Clean Streams Law, including 25 Pa. Code Chapter 91 (relating to general provisions) and 25 Pa. Code Chapter 92a.

(3) Disposed in a municipal waste landfill if placed in a container that is less than 1 gallon in size.

(f) Hazardous waste shall be managed in accordance with Federal and State law, rules and regulations related to hazardous waste, including sections 3001—3024 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6921—6939g), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations promulgated thereunder.

(g) The type of medical marijuana waste identified in subsection (b)(2) may be composted and beneficially used at the grower/processor facility through a permit-by-rule provided the requirements of 25 Pa. Code § 271.103(d)(1)—(3) and (5) (relating to permit-by-rule for

municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements) are satisfied, and the compost is beneficially used at the grower/processor facility as a soil substitute, soil conditioner, soil amendment, fertilizer or mulch. The notice required under 25 Pa. Code § 271.103(d)(5) shall be submitted to the Solid Waste Manager of the Department of Environmental Protection's regional office having jurisdiction over the grower/processor's facility within 15 days of initiating the composting activity.

**§ 1151.42. Complaints about or recall of medical marijuana.**

(a) A dispensary shall notify the Department and the grower/processor immediately upon becoming aware of any complaint made to the dispensary by a patient, caregiver or practitioner who reports an adverse event from using medical marijuana purchased by the dispensary from the grower/processor. A grower/processor shall investigate the report. The following apply:

(1) A grower/processor shall investigate a complaint to determine if a voluntary or mandatory recall of medical marijuana is necessary or if any further action is required.

(2) If a grower/processor determines that further action is not required, the grower/processor shall notify the Department of its decision and, within 24 hours, submit a written report to the Department stating its rationale for not taking further action.

(b) The following apply to voluntary recalls:

(1) A grower/processor may voluntarily recall medical marijuana from the market at its discretion for reasons that do not pose a risk to public health and safety.

(2) If a grower/processor initiates a recall for a reason that does not pose a risk to public health and safety, the grower/processor shall notify the Department at the time the grower/processor begins the recall.

(c) The following apply to mandatory recalls:

(1) If a grower/processor discovers that a condition relating to the medical marijuana grown or processed at its facility poses a risk to public health and safety, the grower/processor shall:

(i) Immediately notify the Department by phone.

(ii) Secure, isolate and prevent the distribution of the medical marijuana that may have been affected by the condition and remains in its possession. The grower/processor may not dispose of affected medical marijuana prior to notifying the Department and coordinating the disposal with the Department.

(2) If a grower/processor fails to cooperate with the Department in a recall, or fails to immediately notify the Department of a need for a recall under paragraph (1), the Department may seek a cease and desist order under § 1141.47 (relating to general penalties and sanctions) and the grower/processor may be subject to any other penalties or sanctions provided for in the act or this part.

(d) A grower/processor's recall plan must include the following:

(1) Designation of one or more employees to serve as the recall coordinators. A recall coordinator shall be responsible for, among other duties, accepting the recalled medical marijuana.

(2) Procedures for identifying and isolating the affected medical marijuana to prevent or minimize its distribution

to patients, caregivers and other medical marijuana organizations and approved laboratories.

(3) Procedures to retrieve and dispose of the affected medical marijuana.

(4) A communications plan to notify those affected by the recall, including:

(i) The manner in which the grower/processor will notify other medical marijuana organizations or approved laboratories in possession of medical marijuana subject to the recall.

(ii) The use of press releases and other appropriate notifications to ensure that patients and caregivers are notified of the recall if the affected medical marijuana was dispensed to patients and caregivers.

(5) Procedures for notifying the Department.

(6) Procedures for entering information relating to the recall into the grower/processor's electronic tracking system.

(e) A grower/processor shall follow the procedures outlined in its recall plan, unless the grower/processor obtains the prior written approval of the Department. The grower/processor shall conduct recall procedures in a manner that maximizes the recall of affected medical marijuana and minimizes risks to public health and safety.

(f) A grower/processor shall coordinate the disposal of recalled medical marijuana with the Department. The Department or its authorized agents may oversee the disposal to ensure that the recalled medical marijuana is disposed of in a manner that will not pose a risk to public health and safety.

(g) The grower/processor shall enter information relevant to the recall into the electronic tracking system as part of the daily inventory, including:

(1) The total amount of recalled medical marijuana, including types, forms, harvest batches, harvest lots and process lots, if applicable.

(2) The amount of recalled medical marijuana received by the grower/processor, including types, forms, harvest batches, harvest lots and process lots, if applicable, by date and time.

(3) The total amount of recalled medical marijuana returned to the grower/processor, including types, forms, harvest batches, harvest lots and process lots, if applicable.

(4) The names of the recall coordinators.

(5) From whom the recalled medical marijuana was received.

(6) The means of transport of the recalled medical marijuana.

(7) The reason for the recall.

(8) The number of recalled samples or test samples, types, forms, harvest batches, harvest lots and process lots, if applicable, sent to approved laboratories, the names and addresses of the approved laboratories, the dates of testing and the results by sample or test sample.

(9) The manner of disposal of the recalled medical marijuana, including:

(i) The name of the individual overseeing the disposal of the recalled medical marijuana.

(ii) The name of the disposal company, if applicable.

(iii) The method of disposal.

(iv) The date of disposal.

(v) The amount disposed of by types, forms, harvest batches, harvest lots and process lots, if applicable.

(10) Any other information required by the Department.

#### § 1151.43. Pesticides.

(a) The use of a pesticide by a grower/processor in the growing or processing of medical marijuana shall be in accordance with the Pennsylvania Pesticide Control Act of 1973 (Pesticide Control Act) (3 P.S. §§ 111.21—112) and this part.

(b) The Department and the Department of Agriculture will cooperate to inspect for and enforce the requirements of this section.

(c) The following apply regarding recordkeeping requirements for pesticide applications:

(1) The grower/processor shall maintain a record of each application of a pesticide. The record must include the following information:

(i) The date of application. For a pesticide requiring a re-entry time, the date of application must include the hour completed.

(ii) The place of application, including the specific block, section, or immature medical marijuana plants or medical marijuana plants treated.

(iii) The size of the area treated.

(iv) The product name of every pesticide used.

(v) The United States Environmental Protection Agency product registration number. This requirement is unnecessary for products exempted under section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. § 136w).

(vi) The total amount of every pesticide used in pounds, ounces, gallons or liters applied to a treated area.

(vii) The dosage or rate of application of every pesticide used.

(viii) If applicable, the employee identification numbers of the individuals involved in making the pesticide and the permit or certification numbers of the individuals making or supervising the application.

(ix) Copies of pesticide labels and Safety Data Sheets for the pesticides used at the facility.

(2) A record required to be kept under this section shall be completed within 24 hours of the completion of the application and maintained for at least 4 years. A record shall be made immediately available to the Department or its authorized agents and medical personnel or first responders in an emergency. A record shall be made available to the Department of Agriculture upon request.

(d) For purposes of enforcement, the Pesticide Control Act and 7 Pa. Code Chapter 128 (relating to pesticides) are incorporated by reference and adopted as standards for use by the Department in enforcing this section.

(e) A grower/processor shall only use the pesticide active ingredients in Appendix A in the growing and processing of medical marijuana.

(f) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Defoliant*—A substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

*Desiccant*—A substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

*Pesticide*—A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

*Plant regulator*—

(i) A substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but may not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(ii) The term does not include any of the nutrient mixtures or soil amendments commonly known as vitamin-hormone horticultural products, which are intended for improvement, maintenance, survival, health and propagation of plants, and are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

**§ 1151.44. Treatment and quarantine orders.**

(a) If a grower/processor fails or refuses to eradicate a plant pest that is found at its facility, the Department, in cooperation with the Department of Agriculture, may issue and enforce a treatment order against the grower/processor, including an order to eradicate, for any immature medical marijuana plants or medical marijuana plants that may carry or harbor the plant pest. The order will be issued in writing and set forth the necessary treatment, control or eradication measures required. If the grower/processor fails or refuses to comply with the order, the Department, acting in cooperation with the Department of Agriculture, may carry out the control measures established in the treatment order with all expenses associated with the measures accruing to the grower/processor.

(b) The Department of Agriculture, acting with the cooperation of the Department, may establish a quarantine to prevent the dissemination of plant pests within this Commonwealth or to prevent or delay the introduction of a plant pest into this Commonwealth from any country, state or territory. The following apply:

(1) Upon finding a plant pest in a facility that has the potential to cause serious damage to other grower/processors or to agriculture in general, the geographic area in which the plant pest was found and any adjacent areas as the Department of Agriculture deems necessary may be quarantined.

(2) The quarantine order will establish conditions and restrictions determined by the Department of Agriculture to be necessary to prevent or reduce the movement of the plant pest from the quarantined area. Vehicles or any means of conveyance suspected of carrying the plant pest

may also be subject to quarantine and a treatment order under subsection (a) may be issued as necessary to eradicate the plant pest.

(3) The quarantine order may regulate the planting, growing or harvesting of any immature medical marijuana plants or medical marijuana plants that serve as a host or reservoir for the plant pest within the quarantined area and may include prohibiting the processing of a specific harvest batch or harvest lot of medical marijuana within a specific geographic area or during a specified time period. An immature medical marijuana plant or medical marijuana plant suspected of harboring the plant pest may be ordered to be treated or destroyed.

[Pa.B. Doc. No. 17-60. Filed for public inspection January 13, 2017, 9:00 a.m.]

**DEPARTMENT OF HEALTH  
[ 28 PA. CODE CH. 1161 ]**

**Medical Marijuana; Dispensaries; Amendments to Temporary Regulations**

The Department of Health (Department) is publishing amendments to the temporary regulations in Chapter 1161 (relating to dispensaries) to read as set forth in Annex A. The temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To implement the Medical Marijuana Program, the Department will be periodically publishing temporary regulations regarding various sections of the act. Chapter 1161 pertains to dispensaries that will dispense medical marijuana to patients and caregivers in accordance with the act. The amendments to the temporary regulations in Annex A will expire on January 14, 2019.

Interested persons are invited to submit written comments, suggestions or objections regarding the amendments to the temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMed Marijuana@pa.gov. Persons with a disability who wish to submit comments, suggestions or objections regarding the temporary regulations may do so by using the previous contact information. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact John J. Collins so that necessary arrangements may be made.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

**Fiscal Note:** 10-201. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 28. HEALTH AND SAFETY

## PART IX. MEDICAL MARIJUANA

## CHAPTER 1161. DISPENSARIES

## § 1161.24. Limitations on dispensing.

(a) A dispensary may not dispense to a patient or caregiver:

(1) A quantity of medical marijuana that is greater than the amount indicated on the patient's certification, if any.

(2) A form or dosage of medical marijuana that is listed as a restriction or limitation on the patient certification.

(3) A form of medical marijuana not permitted by the act or this part, unless otherwise provided in regulations adopted by the Department under section 1202 of the act (35 P.S. § 10231.1202).

(b) A dispensary may not dispense an amount of medical marijuana greater than a 30-day supply to a patient or caregiver until the patient has exhausted all but a 7-day supply provided pursuant to the patient certification currently on file with the Department.

## § 1161.25. Licensed medical professionals at facility.

(a) Except as provided in subsection (b), a dispensary shall ensure that a physician or a pharmacist is present at the facility at all times during the hours the facility is open to dispense or to offer to dispense medical marijuana to patients and caregivers.

(b) If a dispensary is authorized to operate more than one facility under its permit, a physician assistant or a certified registered nurse practitioner may be present onsite at each of the other locations instead of a physician or pharmacist.

(c) As required under the act, a physician, a pharmacist, a physician assistant or a certified registered nurse practitioner shall, prior to assuming any duties at a facility, successfully complete a 4-hour training course developed by the Department. The course must provide instruction in the latest scientific research on medical marijuana, including the risks and benefits of medical marijuana, and other information deemed necessary by the Department.

(d) Successful completion of the course required under subsection (c) shall be approved as continuing education credits as determined by:

(1) The State Board of Medicine and the State Board of Osteopathic Medicine.

(2) The State Board of Pharmacy.

(3) The State Board of Nursing.

(e) A practitioner or a physician, while at the facility, may not issue a patient certification to a patient.

## § 1161.28. Labels and safety inserts.

(a) Medical marijuana products dispensed by a dispensary must only be identified by the name of the grower/processor, the name of the dispensary, the form and species of medical marijuana, the percentage of THC and CBD contained in the medical marijuana product, and any other labeling required by the Department.

(b) A dispensary shall dispense medical marijuana to a patient or caregiver in a sealed and properly labeled package.

(c) The dispensary shall inspect the label to ensure that the label:

(1) Is easily readable.

(2) Is conspicuously placed on the package.

(3) Includes the name, address and permit number of the grower/processor.

(4) Lists the form and quantity of medical marijuana.

(5) Contains the following warning stating:

This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.

(6) Lists the amount of individual doses contained within the package and the species and percentage of THC and CBD.

(7) Contains a warning that the medical marijuana must be kept in the original container in which it was dispensed.

(8) Contains a warning that unauthorized use is unlawful and will subject the purchaser or user to criminal penalties.

(9) Includes the name and address of the dispensary.

(10) Lists a use by or expiration date.

(11) Lists the packaging date.

(12) Includes instructions for proper storage of the medical marijuana in the package.

(13) Contains any other information required by the Department.

(d) The dispensary shall inspect the label to ensure that the label does not bear:

(1) Any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available food or beverage product.

(2) Any statement, artwork or design that could reasonably lead an individual to believe that the package contains anything other than medical marijuana.

(3) Any seal, flag, crest, coat of arms or other insignia that could reasonably mislead an individual to believe that the product has been endorsed, manufactured or approved for use by any state, county or municipality or any agency thereof.

(4) Any cartoon, color scheme, image, graphic or feature that might make the package attractive to children.

(e) When a dispensary dispenses medical marijuana to a patient or caregiver, the dispensary shall also provide the patient or caregiver with a safety insert developed and approved by the Department that includes the following information:

(1) The method or methods for administering individual doses of medical marijuana.

(2) Any potential dangers stemming from the use of medical marijuana.

(3) How to recognize what may be problematic usage of medical marijuana and how to obtain appropriate services or treatment for problematic usage.



(4) The side effects and contraindications associated with medical marijuana, if any, which may cause harm to the patient.

(5) How to prevent or deter the misuse of medical marijuana by an individual under 18 years of age or others.

(6) Any other information determined by the Department to be relevant to enhance patient safety.

**§ 1161.32. Inventory data.**

(a) A dispensary shall maintain the following inventory data in its electronic tracking system:

(1) Medical marijuana received from a grower/processor.

(2) Medical marijuana dispensed to a patient or caregiver.

(3) Damaged, defective, expired or contaminated medical marijuana awaiting return to a grower/processor or awaiting disposal.

(b) A dispensary shall establish inventory controls and procedures to conduct monthly inventory reviews and annual comprehensive inventories of medical marijuana at its facility.

(c) A written or electronic record shall be created and maintained of each inventory which includes the date of the inventory, a summary of the inventory findings, and the employee identification numbers and titles or positions of the individuals who conducted the inventory.

**§ 1161.33. Storage requirements.**

(a) A dispensary shall have separate locked limited access areas for storage of medical marijuana that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the medical marijuana is returned to a grower/processor, destroyed or otherwise disposed of as required under § 1151.40 (relating to management and disposal of medical marijuana waste).

(b) A dispensary shall maintain all storage areas in a clean and orderly condition and free from infestation by insects, rodents, birds and pests.

**§ 1161.35. Transportation of medical marijuana.**

(a) A dispensary may transport and deliver medical marijuana to a medical marijuana organization in this Commonwealth in accordance with this section. The following apply:

(1) A dispensary may deliver medical marijuana to a medical marijuana organization only between 7 a.m. and 9 p.m. for the purposes of transferring medical marijuana among the permittee's dispensary locations and returning medical marijuana to a grower/processor.

(2) A dispensary may contract with a third-party contractor for delivery so long as the contractor complies with this section.

(3) A dispensary may not transport medical marijuana to any location outside of this Commonwealth.

(4) A dispensary shall use a global positioning system to ensure safe, efficient delivery of the medical marijuana to a medical marijuana organization.

(b) Vehicles permitted to transport medical marijuana must:

(1) Be equipped with a secure lockbox or locking cargo area.

(2) Have no markings that would either identify or indicate that the vehicle is being used to transport medical marijuana.

(3) Be capable of being temperature-controlled for perishable medical marijuana, as appropriate.

(4) Display current State inspection stickers and maintain a current State vehicle registration.

(5) Be insured in an amount that is commercially reasonable and appropriate.

(c) A transport vehicle shall be staffed with a delivery team consisting of at least two individuals and comply with the following:

(1) At least one delivery team member shall remain with the vehicle at all times that the vehicle contains medical marijuana.

(2) Each delivery team member shall have access to a secure form of communication with the dispensary, such as a cellular telephone, at all times that the vehicle contains medical marijuana.

(3) Each delivery team member shall carry an identification badge or card at all times and shall, upon demand, produce it to the Department or its authorized agents, law enforcement or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

(4) Each delivery team member shall have a valid driver's license.

(5) While on duty, a delivery team member may not wear any clothing or symbols that may indicate ownership or possession of medical marijuana.

(d) Medical marijuana stored inside the transport vehicle may not be visible from the outside of the transport vehicle.

(e) Except as provided in subsection (h), a delivery team shall proceed in a transport vehicle from the dispensary, where the medical marijuana is loaded, directly to the medical marijuana organization, where the medical marijuana is unloaded, without unnecessary delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple facilities, as appropriate, to deliver medical marijuana.

(f) A dispensary shall immediately report to the Department, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, any vehicle accidents, diversions, losses or other reportable events that occur during transport of medical marijuana.

(g) A dispensary shall notify the Department daily of its delivery schedule, including routes and delivery times, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department.

(h) A transport vehicle is subject to inspection by the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions

and duties. A transport vehicle may be stopped and inspected along its delivery route or at any medical marijuana organization.

**§ 1161.36. Transport manifest.**

(a) A dispensary shall generate a printed or electronic transport manifest that accompanies every transport vehicle and contains the following information:

(1) The name, address and permit number of the dispensary, and the name of and contact information for a representative of the dispensary who has direct knowledge of the transport.

(2) The name, address and permit number of the medical marijuana organization receiving the delivery, and the name of and contact information for a representative of the medical marijuana organization.

(3) The quantity, by weight or unit, of each medical marijuana harvest batch, harvest lot or process lot contained in the transport, along with the identification number for each harvest batch, harvest lot or process lot.

(4) The date and approximate time of departure.

(5) The date and approximate time of arrival.

(6) The transport vehicle's make and model and license plate number.

(7) The identification number of each member of the delivery team accompanying the transport.

(b) When a delivery team delivers medical marijuana to multiple medical marijuana organizations, the transport manifest must correctly reflect the specific medical marijuana in transit. Each recipient shall provide the dispensary with a printed receipt for the medical marijuana received.

(c) All medical marijuana being transported shall be packaged in shipping containers and labeled in accordance with §§ 1151.34 and 1161.28 (relating to packaging and labeling of medical marijuana; and labels and safety inserts).

(d) A dispensary shall provide a copy of the transport manifest to the recipient receiving the medical marijuana described in the transport manifest. To maintain confidentiality, a dispensary may prepare separate manifests for each recipient.

(e) A dispensary shall, if requested, provide a copy of the printed transport manifest, and any printed receipts for medical marijuana being transported, to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

**§ 1161.37. Evidence of adverse loss during transport.**

(a) If a dispensary receiving a delivery of medical marijuana or medical marijuana products from a medical marijuana organization discovers a discrepancy in the transport manifest upon delivery, the dispensary shall refuse acceptance of the delivery and immediately report the discrepancy to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, and to the appropriate law enforcement authorities.

(b) If a dispensary discovers evidence of, or reasonably suspects, a theft or diversion of medical marijuana or medical marijuana products during transport, the dispensary shall immediately report its findings or suspicions to the Department either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, and to law enforcement.

(c) If a dispensary discovers a discrepancy in the transport manifest, the dispensary shall:

(1) Conduct an investigation.

(2) Amend the dispensary's standard plan of operation, if necessary, to prevent future discrepancies between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered.

(3) Submit a report of the investigation to the Department. The following apply:

(i) A written preliminary report of the investigation shall be submitted to the Department within 7 days of discovering the discrepancy.

(ii) A final written report of the investigation shall be submitted to the Department within 30 days of discovering the discrepancy.

**§ 1161.40. Application for additional dispensary locations.**

(a) An applicant for a dispensary permit shall include a primary dispensary facility location, and may include up to two additional dispensary facility locations, in its initial permit application. A permittee may file an application under this section for additional dispensary facility locations at a later date.

(b) A dispensary shall submit an application for additional dispensary locations on a form prescribed by the Department.

(c) A dispensary submitting an application for additional dispensary locations shall include with the application the following fees:

(1) An application fee of \$5,000, which is nonrefundable.

(2) A permit fee of \$30,000 for each dispensary location being proposed. The permit fee shall be submitted with the application for additional dispensary locations and will be refunded if the application is not granted.

(d) A dispensary may not begin operations at an additional location until the Department approves the application for additional dispensary locations, in writing, under this section.

(e) A dispensary submitting an application for additional dispensary locations shall follow the requirements in § 1141.29 (relating to initial permit application) and this part.

[Pa.B. Doc. No. 17-61. Filed for public inspection January 13, 2017, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Public Hearing Regarding Apples and Hard Cider

The Department of Agriculture (Department) hereby provides notice of a public hearing to be held under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act) (act). The hearing shall be held on Wednesday, February 1, 2017, at 10:30 a.m. in Cocoa Suites 3—5, Hershey Lodge and Convention Center, 325 University Drive, Hershey, PA 17033.

The hearing shall be convened to receive testimony and evidence in relation to two proposals to create programs under the act for either, or both, of the following two commodities: (1) apples; and (2) hard cider. These programs may be addressed separately or together.

Testimony will be received at the hearing from producers of those commodities as to the proposed objectives of the programs, how the programs should be structured, the rate and manner of collection of any assessments collected to fund the programs, and any other necessary and relevant matters to the establishment of the programs.

The Department will mail a hearing notice and a copy of proposed program features to all persons who would become affected producers if the proposed programs are implemented. Additional information can be obtained by contacting the Department of Agriculture, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-9948. Information can also be obtained by visiting [www.agriculture.pa.gov](http://www.agriculture.pa.gov).

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 17-62. Filed for public inspection January 13, 2017, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 3, 2017.

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 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>
1-1-2017	Prudential Bancorp, Inc. Philadelphia Philadelphia County  Application to acquire 100% of Polonia Bancorp, Inc., Huntingdon Valley, and thereby indirectly acquire 100% of Polonia Bank, Huntingdon Valley.	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-1-2017	Prudential Savings Bank Philadelphia Philadelphia County  Merger Polonia Bank, Huntingdon Valley, with and into Prudential Savings Bank, Philadelphia.  As a result of the merger, the following branch offices of Polonia Bank became branch offices of Prudential Savings Bank:	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>		<i>Action</i>
	3993 Huntingdon Pike Huntingdon Valley Montgomery County	2133 Spring Garden Street Philadelphia Philadelphia County	
	2646 East Allegheny Avenue Philadelphia Philadelphia County	8000 Frankford Avenue Philadelphia Philadelphia County	
	4800 Richmond Street Philadelphia Philadelphia County		

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-19-2016	Landmark Community Bank Pittston Luzerne County	781 Airport Road Hazle Township Luzerne County	Opened
12-28-2016	Fidelity Deposit & Discount Bank Dunmore Lackawanna County	243 Memorial Highway Dallas Luzerne County	Filed
12-29-2016	Northwest Bank Warren Warren County	1219 French Road Depew Erie County, NY	Filed
12-29-2016	Northwest Bank Warren Warren County	827 Hopkins Road Williamsville Erie County, NY	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-16-2016	Commercial Bank & Trust of PA Latrobe Westmoreland County	106 West Point Drive Greensburg Westmoreland County	Closed

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>		<i>Action</i>
12-31-2016	TruMark Financial Credit Union Fort Washington Montgomery County		Effective
	Application for approval to merge Dow Northeast Employees Federal Credit Union, Philadelphia, with and into TruMark Financial Credit Union, Fort Washington.		
	As a result of the merger, the following branch offices of Dow Northeast Employees Federal Credit Union became branch offices of TruMark Financial Credit Union:		
	100 South Independence Mall West Philadelphia Philadelphia County	400 Arcola Road Collegeville Montgomery County	

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. 17-63. Filed for public inspection January 13, 2017, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 25, 2017, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katie Woodbury directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 17-64. Filed for public inspection January 13, 2017, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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## THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL 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>
PA0217166 (Sewage)	Grey Personal Care STP 13259 US Route 422 Kittanning, PA 16201-4035	Armstrong County Kittanning Township	Unnamed Tributary to Cowanshannock Creek (17-E)	Yes
PA0091260 (Sewage)	Country Meadows MHP STP 625 Dogwood Road Cherrytree, PA 15724-6606	Indiana County Pine Township	Unnamed Tributary to Carney Run (18-D)	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>
PA0222861 (Storm Water)	Georgia Pacific Mt Jewett MDF 147/149 Temple Drive Mt Jewett, PA 16740	McKean County Sergeant Township	Unnamed Tributaries of Sevenmile Run (17-A)	Y
PA0100536 (Industrial)	Chapman State Park 4790 Chapman Dam Road Clarendon, PA 16313-2830	Warren County Pleasant Township	Unnamed Tributary to West Branch Tionesta Creek (16-F)	Yes
PA0221627 (Sewage)	Tri Lane Estates MHP 7473-12 Sharon Mercer Road Mercer, PA 16137	Mercer County Lackawannock Township	Unnamed Tributary to Little Neshannock Creek (20-A)	Yes
PA0222305 (Sewage)	Andrew L & Betty A Confer SFTF 8971 Route 27 Pittsfield, PA 16340-9402	Warren County Deerfield Township	Un-named tributary of Caldwell Creek (16-E)	Yes
PA0222160 (Sewage)	Hemlock MHP PO Box 72158 Thorndale, PA 19372-0158	Mercer County Wolf Creek Township	Un-named tributary of East Branch Wolf Creek (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.*

**PA0255181**, Sewage, SIC Code 8800, **Reed William T**, 143 Mill Street, Hookstown, PA 15050. Facility Name: Reed SRSTP. This proposed facility is located in Greene Township, **Beaver County**.

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

The receiving stream(s), Unnamed Tributary to Mill Creek, is located in State Water Plan watershed 20-D 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 400 Gallons per Day (GPD).—Yearly 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>Average Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 400 Gallons per Day (GPD).—Monthly Limits.

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

The EPA waiver is in effect.

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

**PA0044113**, Sewage, SIC Code 4952, **South Middleton Township Municipal Authority**, PO Box 8, Boiling Springs, PA 17007-0008. Facility Name: South Middleton Township Municipal Authority WWTP. This existing facility is located in Monroe Township, **Cumberland County**.

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

The receiving stream(s), Yellow Breeches Creek, is located in State Water Plan watershed 7-E and is classified for High Quality Waters—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 1.5 MGD:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0 Max
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV intensity (w/cm)	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	187	275	XXX	15	22	30
Nov 1 - Apr 30	218	325	XXX	17.5	26	35
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	20	30	40
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	100	XXX	XXX	8.0	XXX	16
Nov 1 - Apr 30	119	XXX	XXX	9.5	XXX	19
Total Phosphorus	18.5	XXX	XXX	1.5	XXX	3.0

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

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

Parameters	Mass (lbs)		Concentration (mg/l)		
	Monthly	Annual	Minimum	Monthly Average	Maximum
Net Total Nitrogen	Report	27,397	XXX	XXX	XXX
Net Total Phosphorus	Report	3,653	XXX	XXX	XXX

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

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

- Chesapeake Bay Nutrient Monitoring Requirements
- Whole Effluent Toxicity (WET) Testing Requirements
- Stormwater Requirements

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

The EPA Waiver is not in effect.

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

**PA0264814**, Sewage, SIC Code 8800, **Jeffrey Ricketts**, 10851 Sidehill Road, North East, PA 16428. Facility Name: Jeffrey Ricketts SRSTP. This proposed facility is located in North East Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary of Sixteenmile Creek, is located in State Water Plan watershed 15-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instan. Maximum
	Average Monthly	Average Weekly		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	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

*PA DEP Central Office: Bureau of Clean Water, Rachael Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8184, Telephone: 717.787.8184.*

**PA0270814**, Pesticides, SIC Code 4911, **PPL Electric Utilities Corp**, 1639 Church Road, Allentown, PA 18104-9342.

Description of Proposed Activity: The application is for a new NPDES permit coverage for discharges associated with the use of pesticides to control vegetation (weeds) in its Statewide treatment area that would interfere with the transmission and distribution corridors; and to control vegetation especially at substations, that could create a safety and security risk or has the potential to limit access by its personnel to facilities.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. Applicators are required to coordinate with the operators of such drinking water treatment plants prior to treatment to avoid any shortages. The discharges associated with the pesticide applications by PPL are not expected to affect public water supplies.

DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.



You may make an appointment to review the DEP files on this case by calling Bureau of Clean Water at 717-787-5017. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 0216409**, Sewage, **Daisley Albert**, 3945 Sardis Road, Pittsburgh, PA 15239.

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

Description of Proposed Action/Activity: The applicant proposes to construct a small flow treatment facility consisting of Norweco Singulair Bio-Kinetic Wastewater Treatment System followed by a Hydro-Kinetic Bio-Film Reactor Unit and UV Disinfection Unit for a single residence. This wastewater treatment facility is proposed to replace existing malfunctioning on-lot system.

**WQM Permit No. 1116408**, Sewage, **Johnstown Redevelopment Authority**, 401 Washington Street, Johnstown, PA 15901.

This proposed facility is located in the City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective interceptor in the Horner Street and Ohio Street Area of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

**WQM Permit No. 4294401 A-1**, Sewage, **Hamlin Township McKean County**, PO Box 235, Hazel Hurst, PA 16733-0235.

This existing facility is located in Hamlin Township, **McKean County**.

Description of Proposed Action/Activity: Hazel Hurst WWTP comminutor replacement.

**WQM Permit No. 1016411**, Sewage, **Kevin Little**, 196 Lutz Road, Zelienople, PA 16063.

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

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

**WQM Permit No. 1016412**, Sewage, **Deborah Schmelzer**, PO Box 53, Hilliards, PA 16040.

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

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

**WQM Permit No. 3316402**, Sewage, **Brockway Area Sewer Authority**, 501 Main Street, Brockway, PA 15824.

This proposed facility is located in Brockway Borough, **Jefferson County**.

Description of Proposed Action/Activity: Upgrade N219 Vacuum System Pump Station, replace and upgrade the gravity sewer lines to meet the demands of the N219 Vacuum System Pump Station, and extend the sewer system along Keystone Road. Install a new pump station at Circle Drive.

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

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

*Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235-5114.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD130001	PPL Electric Utilities Corporation Two North Ninth St. Allentown, PA 18101	Carbon	Lower Towamensing Township	Aquashicola Creek (HQ-CWF, MF) Aquashicola Creek (TSF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD450007	AutoZone Development, LLC 123 South Front St 3rd Floor Memphis, TN 38103	Monroe	Middle Smithfield Township	UNT to Marshalls Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480006	CarMax Auto Superstore, Inc. c/o Centerpoint Integrated Solutions 355 Union Blvd Suite 301 Lakewood, CO 80228	Northampton	Lower Nazareth Township	Schoeneck Creek (WWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030616003	Vista Grande Farms, LLC 290 Ruth Road Fleetwood, PA 19522	Berks	Richmond Township	UNT Moselem Creek (HQ-CWF, MF)
1PAC210016	Stephen Gardner 32 Mitchell Lane Newburg, PA 17240	Cumberland	Hopewell Township	Tributary to Peebles Run (WWF)
PAG02003616092	Samuel Esh 5643 Strasburg Road Gap, PA 17527	Lancaster	Sadsbury Township	Pine Creek (TSF, MF)
PAC360021	QDOS Investments, LLC PO Box 7063 Lancaster, PA 17604	Lancaster	Rapho Township	Chiques Creek (WWF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590001 Previously PAI045916001(1)	Niles Valley Energy, LLC	Tioga	Charleston Twp and Delmar Twp	Baldwin Run, HQ

*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>
PAD020005	Almono, LP, c/o Reed Smith Reed Smith Centre 225 Fifth Avenue Pittsburgh, PA 15222	Allegheny County	City of Pittsburgh	Monongahela River (WWF)

## STATE CONSERVATION COMMISSION

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

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

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

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should

include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Mt. View Swine Farms 160 Frystown Rd. Myerstown, PA 17067	Berks	1	2,125.41	Swine	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 0516503 MA, Minor Amendment, Public Water Supply.**

**Applicant** Fishertown Water Association  
**Municipality** East St. Clair Township  
**County** Bedford

**Responsible Official** William J. Lochner, President  
 PO Box 149  
 206 Hammond Hill Road  
 Fishertown, PA 15539

**Type of Facility** Public Water Supply

**Consulting Engineer** Steven C. Roselle, P.E.  
 GHD Inc  
 321 Washington Street  
 Huntingdon, PA 16652

**Application Received:** 12/19/2016

**Description of Action** Inspection and rehabilitation of the 260,000 gallon finished water storage tank.

**Permit No. 0616515, Public Water Supply.**  
**Applicant** Reading Area Water Authority

**Municipality** Reading  
**County** Berks

**Responsible Official** William Murray, Interim Executive Director  
 1801 Kutztown Road  
 Reading, PA 19604

**Type of Facility** Public Water Supply

**Consulting Engineer** Thomas L. Weld Jr, P.E.  
 BCM Engineers  
 920 Germantown Pike  
 Plymouth, PA 19462

**Application Received:** 12/21/2016

**Description of Action** Rehabilitation of the 18th Ward Water Booster Pump Station will include upgrading the existing two pumps with new impellers and motors as well as installing a third pump. Additional work includes the installation of approximately 21,300 feet of water mainline and cleaning/relining approximately 7,000 feet of existing water mainline along River Road.

**Permit No. 2216510 MA, Minor Amendment, Public Water Supply.**

**Applicant** Suez Water Pennsylvania  
**Municipality** Susquehanna Township  
**County** Dauphin

Responsible Official John D. Hollenbach, Vice President  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Type of Facility Public Water Supply

Consulting Engineer Mark C. Baker, P.E.  
United Water Pennsylvania, Inc  
4405 North 6th Street  
Harrisburg, PA 17110

Application Received: 12/22/2016

Description of Action Replacement of two caustic tanks at the 6th Street Water Treatment Plant.

**Permit No. 3616521 MA, Minor Amendment**, Public Water Supply.

Applicant **UMH PA Lancaster County, LLC**

Municipality Caernarvon Township

County **Lancaster**

Responsible Official Jeffrey V. Yorkick PE, VP for Engineering  
150 Clay Street  
Suite 450  
Morgantown, WV 26501

Type of Facility Public Water Supply

Consulting Engineer Jeffrey V. Yorick, P.E.  
UMH Properties, Inc  
150 Clay Street  
Suite 450  
Morgantown, WV 26501

Application Received: 12/23/2016

Description of Action Installation of pH meter with controls.

**Permit No. 3616522**, Public Water Supply.

Applicant **Faith Mennonite High School**

Municipality Sadsbury Township

County **Lancaster**

Responsible Official Michael Fox  
5085 Woodland Drive  
Kinzers, PA 17535

Type of Facility Public Water Supply

Consulting Engineer Thomas J. Whitehill, P.E.  
Whitehill Consulting Engineers  
763 Conowingo Rd.  
Quarryville, PA 17566

Application Received: 12/29/2016

Description of Action Installation of facilities for the removal of nitrates.

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

**Permit No. 0216544**, Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official Robert A. Weimar, Interim Director of Engineering and Construction  
Pittsburgh Water & Sewer Authority  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

Type of Facility Aspinwall water treatment plant

Consulting Engineer AECOM  
Foster Plaza 6  
681 Andersen Drive  
Pittsburgh, PA 15220

Application Received Date December 22, 2016

Description of Action Switch from dry lime to liquid lime feed for pH control.

#### MINOR AMENDMENT

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

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

#### Application No. 2688505-A1, Minor Amendment.

Applicant **Church Communities PA, Inc.**  
100 Spring Valley Road  
Farmington, PA 15437

[Township or Borough] Wharton Township

Responsible Official Jeremy Maendel, Executive Vice-President  
Church Communities PA, Inc.  
100 Spring Valley Road  
Farmington, PA 15437

Type of Facility Water system

Consulting Engineer McMillen Engineering, Inc.  
115 Wayland Smith Drive  
Uniontown, PA 15401

Application Received Date December 22, 2016

Description of Action Replacement of the tablet fed chlorinator with a liquid fed chlorinator at Spring Valley.

#### Application No. 3016516MA, Minor Amendment.

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

[Township or Borough] Center Township

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

Type of Facility Water system

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

Application Received Date	December 22, 2016
Description of Action	Installation of approximately 2,600 feet of 12-inch diameter waterline (Hargus Creek Road waterline project).

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**WA 36-113C, Water Allocations. Columbia Water Company (PWS ID No. 7360123), Lancaster County.** Renewal of Water Allocation Permit No. WA 36-113B for a 6.0 MGD withdrawal from the Susquehanna River. Applicant Address: David T. Lewis, General Manager, Columbia Water Company, 220 Locust Street, Columbia, PA 17512. Application Received: 10/17/2016.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Popple Brother Property Bel-Air Yards**, Connell Street, Old Forge Borough, **Lackawanna County** and Duryea Borough, **Luzerne County**. Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18518, on behalf of Popple Brothers Coal Company, 38 Connell Street, Old Forge, PA 18518, submitted a Notice of Intent to Remediate. The soils at this site have been found to be contaminated with petroleum hydrocarbons. The proposed future use of the property will be both residential and non-residential. The Notice of Intent to Remediate was published in *The Citizens Voice* on December 8, 2016.

**Schuylkill Haven Water Treatment Plant**, 16 Tumbling Run Road, North Manheim Township, **Schuylkill County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Borough of Schuylkill Haven, 333 Center Avenue, Schuylkill Haven, PA 17972, submitted a Notice of Intent to Remediate. An undetermined amount of No. 2 fuel oil was released from a 230 gallon aboveground storage tank when a fuel line from the day tank to the emergency generator leaked contaminating soils and groundwater at this site. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Republican-Herald* on December 15, 2016.

**Kings Cleaners**, 225 Ferry Street, City of Easton, **Northampton County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Lehigh Valley Economic Development Corp., 2158 Avenue C, Suite 200, Bethlehem, PA 18017, submitted a Notice of Intent to Remediate. Historically the site was used as a dry cleaning and fabric dyeing facility and contamination of volatile organic compounds were detected in soils at this site. The proposed future use of the property will be residential and commercial. The Notice of Intent to Remediate was published in *The Morning Call* on December 14, 2016.

**Donald Pissott Property**, 74 Sorbertown Road, Hunlock Township, **Luzerne County**. Geological and Environmental Associates, Inc., 430 West Mountain Road, Plymouth, PA 18651, on behalf of Datom Products, Inc., 113 Monahan Avenue, Dunmore, PA 18512, submitted a

Notice of Intent to Remediate. Kerosene was released from a 275 gallon above ground storage tank because of rusting/corrosion at its base and contaminated soils at this site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Citizens Voice* on November 25, 2016.

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

**The Gardens at Orangeville**, Orangeville Borough, **Columbia County**. KU Resources, 22 South Linden Street, Duquesne, PA 16110, on behalf of The Gardens at Orangeville, 1510 Chester Pike, Baldwin Towers, 7th Floor, Eddystone, PA 19022, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Fuel Oil No. 2. 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 *Bloomsburg Press Enterprise* on November 21, 2016.

**The Gardens at Millville**, Borough of Millville, **Columbia County**. KU Resources, 22 South Linden Street, Duquesne, PA 16110, on behalf of The Gardens at Millville, 1510 Chester Pike, Baldwin Towers, 7th Floor, Eddystone, PA 19022, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Fuel Oil No. 2. 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 *Bloomsburg Press Enterprise* on November 21, 2016.

#### REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Registration administratively complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit No. WMGR025SW002. Intermunicipal Relations Committee COG**, 1301 12th Street, Suite 8, Altoona, PA 16601. IRC COG Yard Waste Compost and Recycling Facility, 1860 Blacksnake Road, Dysart, PA 16636. A registration under residual waste general permit for the processing and beneficial use of the following source separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcasses, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wall-board, paper, cardboard, waxed cardboard, virgin paper mill sludge and spent mushroom substrate in Dean and Gallitzen Townships, **Cambria County** and Logan Township, **Blair County**, was deemed administratively complete in the Regional Office on January 3, 2017.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

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

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

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

**10-265E: Iron Mountain Information Management, LLC** (1137 Branchton Road, Boyers, PA 16020), for the proposed construction of 6 new emergency generators and eliminating the current individual engine hour run time limits of 100 hr/engine in Cherry Township, **Butler County**. This is a State Only facility.

**25-029E: Erie Coke Corporation** (925 East Bay Drive, Erie, PA 16512), for the proposed RACT II evaluation for the facility in Erie City, **Erie County**. This is a Title V facility.

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

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

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

**23-0119G: Sunoco Partners Marketing & Terminals, L.P. (SPMT)** (2nd and Green Streets, Marcus Hook, PA 19061-0426) to increase the aggregate VOC emission limit for two (2) previously permitted internal floating roof storage tanks at an existing Title V facility in Marcus Hook Borough, **Delaware County**. The project does not trigger applicability toward the Federal PSD program or PADEP's NSR regulation. VOC potential emissions increase from this project will be limited to 13.63 tons. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0005AR: Merck, Sharp & Dohme, Corp.** (770 Sunmeytown Pike, West Point, PA 19486-0004) for the expansion of Building 38 disinfection operations necessary to meet product demand at an existing permitted building in Upper Gwynedd Township, **Montgomery County**. The plan approval is for a Title V facility. The modification will increase VOC emissions from the building, which was previously permitted as part of Source 105 in the Title V permit. The Source 112 VOC emissions increase will be limited to 5.22 tons per year, which includes a de minimus emission increase of 0.15 ton/year. The plan approval will include 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.*

**22-03095A: Fager-Finkenbinder Funeral Home & Crematory, Inc.** (208 North Union Street, Middletown, PA 17057) for the installation of a human crematory at the funeral home located in Middletown Borough, **Dauphin County**. The expected increases in facility emissions as a result of the changes proposed are: 2.30 tpy of PM, 0.99 tpy of NO<sub>x</sub>, 3.29 tpy of CO, 0.82 tpy of SO<sub>x</sub>, 0.99 tpy of VOCs and 927.53 tpy of CO<sub>2</sub>. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

### OPERATING PERMITS

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

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

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

**09-00013: Wheelabrator Falls, Inc.** (1201 New Ford Mill Rd, Morrisville, PA 19067) located in Falls Township, **Bucks County** for a permit renewal to their Title V operating permit. No other changes have taken place at the facility since the previous permit was amended and issued on November 5, 2015. The renewal Title V operating permit contains monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**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.*

**23-00033: Dee Paper Co., Inc., dba Dee Packaging Solutions.** (100 Broomall St., Chester, PA 19013) for renewal of the State Only Operating Permit for a cardboard box manufacturing and printing facility, located in the City of Chester, **Delaware County**. Sources at the facility comprise a boiler rated at 8.389 MMBtu/hr, which is fueled by natural gas except for periods of curtailment when No. 2 fuel oil may be used, and minor other sources including balers and cutters. A printing press is permitted by GP7-23-0001 and is not included in the Operating

Permit. The boiler is subject to the particulate matter limitations of 25 Pa. Code § 123.11(a)(1) and fuel sulfur limitations of 25 Pa. Code § 123.22. The facility is a natural minor with the following potential to emit in tons/year: nitrogen oxides (NO<sub>x</sub>)—3.59, volatile organic compounds (VOC)—0.20, particulate matter (PM)—0.27, carbon monoxide (CO)—3.08 and sulfur oxides (SO<sub>x</sub>)—0.22.

The emissions attributed to the printing press, not included in the operating permit, are an additional 16.13 tons/year VOC. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00112: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) for the renewal of a non-Title V, Synthetic Minor facility located in Skippack Township, **Montgomery County**. The facility has facility-wide limits on nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) of 24.9 tons per 12-month rolling period for each pollutant to be classified as a Synthetic Minor facility for NO<sub>x</sub> and VOC. The facility is a manufacturer of intermediate product materials, specifically resins and friction particles. The facility has not made any significant changes to the operation since the operating permit was last modified. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**26-00475: Amerikohl Aggregates, Inc./Jim Mountain Quarry** (State Route 653, Mill Run, PA 15464) for the operation of a limestone processing plant located in Springfield Township, **Fayette County**. The subject facility consists of load/unloading and processing of limestone equipped with three crushers, three screens, one sand classifier, and various conveyors and stockpiles. The maximum capacity of the facility is 700 tons per hour. The facility has the potential to emit: 78.36 tpy PM; and 53.77 tpy PM<sub>10</sub>. The proposed authorization is subject to State and Federal Regulations (OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

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

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

The City of Philadelphia, Air Management Services (AMS) intends to issue or renew Minor State Only Operating Permits for the following facilities:

**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, three baghouses and a 0.36 MMBTU/hr warm air furnaces firing natural gas.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information

are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S14-025: Federal Reserve Bank of Philadelphia.** (100 North 6th Street, Philadelphia, PA 19106) for the operation of a banking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes four each 8.27 MMBTU/hr boilers and seven 300 kW, one 750 kW and one 1,000 kW emergency generators.

The operating permit will be renewed under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**N15-006: SEPTA-Allegheny Garage** (2700 Allegheny Avenue, Philadelphia, PA 19129) for the operation of an air pollution sources in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 2.1 MMBTU/hr hot water boiler burning natural gas, two hot water boilers burning number 2 fuel oil and natural gas, each 8.37 MMBtu/hr, two pressure washers burning natural gas each 657,000 btu/hr, two space heaters burning natural gas each 600,000 btu/hr, and one 175 kw emergency generator burning natural gas.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.



**N15-000: Wade Technology Inc.** (445 N. 11th Street, Philadelphia, PA 19123) for the operation of a Decorative Chrome plating facility in the City of Philadelphia, Philadelphia County. The facility's air emissions sources include one (1) Trivalent Chrome Tank (120 gallons), one (1) Polishing machine and a dust collector.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S15-015: Friends Hospital** (4641 Roosevelt Blvd, Philadelphia, PA 19124) for the operation of a hospital and health care facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources include three (3) 400 horsepower (HP) boiler firing No. 6 oil or natural gas, one (1) 300,000 Btu/hr boiler firing natural gas, one (1) 285,000 Btu/hr boiler firing natural gas, two (2) 100 kilowatt (kw) emergency generators firing No. 2 oil, two (2) 118-147 kw emergency generators firing diesel, and one (1) 15 kw emergency generator firing natural gas.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S15-016: Ardex Laboratories** (2050 Byberry Road, Philadelphia, PA 19116) for the operation of a specialty cleaning and polishing preparatory facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources include a mixing tank, fourteen (14) mixing vessels, tank truck unloading, drum filling and packaging, and three (3) combustion units each rated less than 1 MMBTU/hr.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## 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.*

**32901601 and NPDES No. PA0213586. Millcreek Processing**, (P.O. Box 435, Seward, PA 15954). To renew the permit for the Challenger Coal Yard in East Wheatfield Township, **Indiana County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on December 23, 2016. Application received June 1, 2016.

**32841317 and NPDES No. PA0037109. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Lucerne No. 9 Mine in Young and Conemaugh Townships, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on December 28, 2016. Application received May 25, 2016.

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

**33110104 and NPDES Permit No. PA0259144. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine and associated NPDES permit in Union Township, **Jefferson County**, affecting 73.2 acres. Receiving streams: Little Mill Creek, classified for the following uses: CWF; and Mill Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: December 28, 2016.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E14-575. Harris Township** 224 East Main Street, Boalsburg, PA 16827. Stream Crossing at Fasick Park, in Harris Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 40° 46' 52"; W: 77° 45' 57").

To construct construct and maintain: 1) a steel beam bridge with a 20-foot clear span, 10-foot width and out-of-stream concrete abutments to cross over Spring Creek, 2) 100-foot long by 10-foot wide elevated boardwalk to cross over the adjacent wetlands and 100-year floodplain, to establish a pedestrian walkway from Elksview Townhomes to Fasick Park. This project proposes to: 1) temporarily impact 20 linear feet of Spring Creek and 0.04 acre of wetland, 2) permanently impact 10 linear feet of Spring Creek and 0.01 acre of wetland, which are classified as a High Quality Fishery.

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

**E5829-116:** Jackson and New Milford Townships, **Bluestone Pipeline Company of Pennsylvania, LLC**, 1429 Oliver Road, New Milford, PA, 18334-7516; Jackson and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,092 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 26", Longitude: -75° 40' 27"),

2) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 10,552 square feet (0.24 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 24", Longitude: -75° 40' 20"),

3) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 309 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 23", Longitude: -75° 40' 16"),

4) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,440 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 25", Longitude: -75° 39' 59"),

5) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 67 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 17", Longitude: -75° 39' 34"),

6) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,790 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 19", Longitude: -75° 39' 35"),

7) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 52 lineal feet (420 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 52' 18", Longitude: -75° 39' 33"),

8) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 23,206 square feet (0.53 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 22", Longitude: -75° 39' 32"),

9) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 437 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 26", Longitude: -75° 39' 31"),

10) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,747 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 38", Longitude: -75° 39' 25"),

11) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 57 lineal feet (1,767 square feet) of a tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 46", Longitude: -75° 39' 18"),

12) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 165 lineal feet (1,128 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 49", Longitude: -75° 39' 14"),

13) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 321 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 51", Longitude: -75° 39' 12"),

14) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,404 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 51", Longitude: -75° 39' 10"),

15) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,538 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 52", Longitude: -75° 39' 10"),

16) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 30 lineal feet (90 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 53", Longitude: -75° 39' 09"),

17) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 6,939 square feet (0.16 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 54", Longitude: -75° 39' 07"),

18) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,146 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 56", Longitude: -75° 38' 41"),

19) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 54 lineal feet (758 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 56", Longitude: -75° 38' 40"),

20) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 61 lineal feet (914 square feet) of a tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 56", Longitude: -75° 38' 38"),

21) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,328 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 57", Longitude: -75° 38' 30"),

22) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 18,720 square feet (0.43 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 53' 00", Longitude: -75° 38' 28"),

23) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 56 lineal feet (338 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 53' 01", Longitude: -75° 38' 24"),

24) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 109 lineal feet (1,867 square feet) of Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 53' 02", Longitude: -75° 38' 23"),

25) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,621 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 53' 03", Longitude: -75° 38' 21"),

26) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 579 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 49", Longitude: -75° 39' 13"),

27) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 25 lineal feet (100 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 51", Longitude: -75° 39' 12").

The Bluestone Loop 3A Extension pipeline project consists of constructing a 24" diameter steel natural gas gathering line approximately 2.68 miles (14,147 feet) long in Jackson and New Milford Townships, Susquehanna County. The project will result in 609 lineal feet of temporary stream impacts and 80,236 square feet (1.84 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E5729-088: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 15,541 square feet of a Palustrine Forested Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°33'50", Longitude: -76°37'36");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 135 linear feet of an un-

named tributary to Lye Run (EV, MF) (Overton, PA Quadrangle, Latitude: 41°33'45", Longitude: -76°37'45");

The project will result in 135 linear feet or 787 square feet of temporary stream impacts and 15,541 square feet (0.36 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Elkland Township, Sullivan County.

**E4129-108: Anadarko E&P Onshore, LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 16-foot long, 12-inch diameter culverts with associated fill impacting 198 square feet of palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°27'33"N 76°54'55"W);

2) A 32-foot long, 73-inch by 55-inch arch culvert with associated fill impacting 97 linear feet of Slacks Run (HQ-CWF) (Bodines, PA Quadrangle 41°27'34"N 76°54'55"W);

3) Fill for a permanent access road impacting 2,560 square feet of flood way of an unnamed tributary to Slacks Run (HQ-CWF) (Bodines, PA Quadrangle 41°28'01"N 76°54'23"W).

The project will result in a total of 97 linear feet of stream impacts, 0.01 acre of wetland impacts, and 0.06 acre of additional floodway impacts for the purpose of installing a permanent access roadway to a natural gas well site for Marcellus well development.

**E5929-062: HEP Tioga Gathering, LLC**, 17806 IH-10 West, Suite 210, San Antonio, TX, 78227, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,023 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'43"N, 77°07'21"W);

2) A 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 214 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'37"N, 77°07'23"W);

3) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 63 linear feet of an unnamed tributary to Blacks Creek (CWF) and 1,374 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'29"N, 77°07'21"W);

4) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,270 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'13"N, 77°07'27"W);

5) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 301 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'13"N, 77°07'29"W);

6) A 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 244 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°35'09"N, 77°07'32"W);

7) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 552 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°35'02"N, 77°07'41"W);

8) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 814 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°34'59"N, 77°07'47"W);

9) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 3,886 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°34'59"N, 77°07'47"W);

10) A 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 31 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°35'02"N, 77°07'48"W);

11) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 5,683 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°35'10"N, 77°07'53"W);

12) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 5,291 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°35'10"N, 77°08'05"W);

13) A 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 131 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°35'07"N, 77°08'27"W).

The project will result in 10,809 square feet (0.25 acre) of temporary wetland impacts, 10,974 square feet (0.25 acre) of permanent wetland impacts, and 94 linear feet of temporary stream impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.50 acre of compensatory mitigation for forested wetland impacts at an off-site location (Tiadaghton, PA Quadrangle 41°41'25"N, 77°25'11"W) in Shippen Township, Tioga County.

**E5929-063: HEP Tioga Gathering, LLC**, 17806 IH-10 West, Suite 210, San Antonio, TX, 78227, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,622 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'46"N, 77°08'28"W);

2) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,334 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'36"N, 77°08'36"W);

3) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 14,028 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'29"N, 77°08'33"W);

4) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 659 square feet of an exceptional

value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'16"N, 77°08'33"W);

5) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,082 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 2,631 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°34'07"N, 77°08'32"W);

6) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 536 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'02"N, 77°08'30"W);

7) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 319 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'58"N, 77°08'28"W);

8) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 5,285 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'56"N, 77°08'28"W);

9) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 7,298 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'53"N, 77°08'29"W);

10) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,347 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'49"N, 77°08'29"W);

11) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,323 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'47"N, 77°08'34"W).

The project will result in 35,833 square feet (0.82 acre) of temporary wetland impacts and 2,631 square feet (0.06 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.12 acre of compensatory mitigation for forested wetland impacts at an off-site location (Tiadaghton, PA Quadrangle 41°41'25"N, 77°25'11"W) in Shippen Township, Tioga County.

**E5929-051: HEP Tioga Gathering, LLC;** 17806 IH-10 West, Suite 210, San Antonio, TX, 78227, Tunkhannock, PA 18657, Liberty and Morris Township, **Tioga County,** ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using timber mats impacting 364 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°35'32"N, 77°13'51"W);

2) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 2,890 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 3,526 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°35'38"N, 77°13'42"W);

3) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 2,663 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°35'41"N, 77°13'36"W);

4) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 820 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°35'27"N, 77°13'16"W);

5) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 1,044 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 57 linear feet of Custard Run (EV) (Nauvoo, PA Quadrangle 41°35'13"N, 77°13'08"W);

6) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 44 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°35'27"N, 77°13'06"W);

7) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 994 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 16 linear feet of an unnamed tributary to Zimmerman Creek (EV) (Nauvoo, PA Quadrangle 41°35'13"N, 77°12'56"W);

8) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 410 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°35'07"N, 77°12'54"W);

9) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 143 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°34'51"N, 77°12'13"W);

10) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 773 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°34'50"N, 77°12'13"W);

11) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 4,359 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 76 linear feet of an unnamed tributary to Little Fall Creek (EV) (Nauvoo, PA Quadrangle 41°34'49"N, 77°12'12"W);

12) A temporary road crossing using timber mats impacting 215 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°34'47"N, 77°12'11"W);

13) A temporary road crossing using timber mats impacting 190 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°34'46"N, 77°12'09"W);

14) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 2,887 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 74 linear feet of an unnamed tributary to Little Fall Creek (EV) (Nauvoo, PA Quadrangle 41°34'44"N, 77°12'07"W);

15) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 59 linear feet of Little Fall Creek (EV) (Nauvoo, PA Quadrangle 41°34'43"N, 77°12'06"W);

16) A temporary road crossing using timber mats impacting 622 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°34'32"N, 77°11'32"W);

17) A 20 inch diameter steel gas pipeline and a 16 inch diameter HDPE water pipeline via horizontal directional bore impacting 156 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 3 linear feet of Zimmerman Creek (EV) (Nauvoo, PA Quadrangle 41°34'47"N, 77°11'26"W);

18) A 20 inch diameter steel gas pipeline, a 16 inch diameter HDPE water pipeline, and a temporary road crossing using timber mats impacting 287 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 50 linear feet of an unnamed tributary to Zimmerman Creek (EV) (Nauvoo, PA Quadrangle 41°34'11"N, 77°10'33"W).

The project will result in 334 linear feet of temporary stream impacts, 8,563 square feet (0.20 acres) of temporary wetland impacts, and 13,916 square feet (0.32 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line and associated access roads in Liberty and Morris Township, Tioga County. The permittee will provide 0.32 acre of onsite wetland restoration and 0.32 acre of compensatory mitigation for forested wetland impacts at an off-site location (Tiadaghton, PA Quadrangle 41°41'28"N, 77°25'10"W) in Shippen Township, Tioga County.

**E4129-109: NFG Midstream Trout Run, LLC**, 6363 Main Street, Williamsville, NY 14221, Gamble Township, Lycoming County, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8-inch gas pipeline and a timber mat bridge impacting 44 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'54"N 77°00'59"W);

2) an 8-inch gas pipeline and a timber mat bridge impacting 49 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'53"N 77°00'42"W);

3) an 8-inch gas pipeline and a timber mat bridge impacting 42 linear feet of an unnamed tributary to Mill Creek (EV) and 1,444 square feet of adjacent palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'48"N 77°00'29"W);

4) an 8-inch gas pipeline and a timber mat bridge impacting 7,836 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'43"N 77°00'25"W);

5) an 8-inch gas pipeline and a timber mat bridge impacting 53 linear feet of Mill Creek (EV) and 10,284 square feet of adjacent palustrine emergent (PEM) wetlands (Trout Run, PA Quadrangle 41°22'41"N 77°00'21"W).

The project will result in a total of 0.45 acre of wetland impacts and 188 linear feet of stream impacts all for the purpose of installing natural gas gathering line and access roadway for Marcellus well development.

## 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

*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>
PA0253219 (Sewage)	Cowansville STP 106 Cherry Orchard Avenue Kittanning, PA 16201	Armstrong County East Franklin Township	Glade Run (17-E)	Yes
PA0217514 (Sewage)	Honeywell Electric Materials 195 Hartzell School Road Fombell, PA 16123	Beaver County Marion Township	Connoquenessing Creek (20-C)	Yes
PA0218812 (Sewage)	Hillsdale STP 602 Kolter Drive Indiana, PA 15701	Indiana County Montgomery Township	Cush Creek (8-B)	No
PA0033626 (Sewage)	West Greene Jr Sr High School 1367 Hargus Creek Road Waynesburg, PA 15370	Greene County Center Township	Hargus Creek (19-B)	Yes
PA0218928 (Sewage)	Cadogan Township PO Box 309 Cadogan, PA 16212-0309	Armstrong County Cadogan Township	Glade Run (17-E)	Yes

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS232209 (Storm Water)	Jeld Wen PO Box 150 3250 Lakeport Boulevard Klamath Falls, OR 97601	Schuylkill County Ringtown Borough	Little Catawissa Creek and Unnamed Tributary to Dark Run (5-E)	Yes
PAS222201 (Storm Water)	UFP Stockertown LLC 2801 E Beltline Ne Grand Rapids, MI 49525-9736	Northampton County Stockertown Borough	Unnamed Tributary to Bushkill Creek (1-F)	Yes
PA0009911 (Industrial)	Michael Foods Egg Products 68 Spain Road Klingerstown, PA 17941-9656	Schuylkill County Upper Mahantango Township	Pine Creek and Mahantango Creek (6-C)	No
PA0035335 (Sewage)	Barton Court MHP 654 Morwood Road Telford, PA 18969	Monroe County Pocono Township	Unnamed Tributary to Pocono Creek (1-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035254 (Industrial)	Somerset Borough Municipal Water System PO Box 71 347 W Union Street Somerset, PA 15501-0071	Somerset County Jefferson Township	Laurel Hill Creek (19-E)	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>
PA0044067 (Industrial)	Union City Fish Culture Station 1735 Shiloh Road Benner Spring Fish Research Station State College, PA 16801-8451	Erie County Union Township	Unnamed Tributary to Bentley Run and Bentley Run (16-A)	Yes
PA0239631 (Sewage)	Monroe Township STP 17956 Route 68 Sligo, PA 16255	Clarion County Monroe Township	Brush Run (17-B)	No

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

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

**NPDES Permit No. PA0026450**, Sewage, Amendment, **Bristol Township**, 2501 Bath Road, Bristol, PA 19007.

This proposed facility is located in Bristol Township, **Bucks County**.

Action/Activity: Amendment to modify permit by applying 88.5% removal requirement to BOD<sub>5</sub> and not to CBOD<sub>20</sub>.

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

**NPDES Permit No. PA0037966**, Sewage, SIC Code 4952, **Moshannon Valley Joint Sewer Authority**, 829 N 9th Street, Philipsburg, PA 16866-2327.

This existing facility is located in Rush Township, **Centre County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

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

**WQM Permit No. 9662S A-4**, Sewage, SIC Code 4952, **Borough of Oakmont**, 767 Fifth Street, P.O. Box 206, Oakmont, PA 15139-0206.

This existing facility is located in Oakmont Borough, **Allegheny County**.

Description of Proposed Action/Activity: The applicant proposes to remove and replace an existing mechanically cleaned bar screen, located in the Grit Building South Influent Channel at the Oakmont Borough STP.

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

**WQM Permit No. 1516406**, Sewage, **West Goshen Sewer Authority**, 848 South Main Street, West Chester, PA 19382-5536.

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

Description of Action/Activity: Modifications to the head works at the West Goshen WWTP. Replacing the influent screens and grit removal system.

**WQM Permit No. 1516407**, Sewage, **West Goshen Sewer Authority**, 848 South Main Street, West Chester, PA 19382-5536.

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

Description of Action/Activity: Improvements to chemical feed system.

**WQM Permit No. 0995418**, Sewage, Amendment, **Buckingham Township**, P.O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Increase the facility disposal capacity via construction of addition spray irrigation fields. Construction of an interconnection force main to allow for the disposal of treated effluent from the Cold Spring Wastewater Treatment Plant at the Fieldstone Facility.

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

**WQM Permit No. 0816402**, Sewage, SIC Code 4952, **Echo Beach Rentals, Inc.**, 21186 Route 187, Towanda, PA 18848-7984.

This proposed facility is located in Asylum Township, **Bradford County**.

Description of Proposed Action/Activity: Construction and operation of ten community on lot disposal systems to service the proposed Echo Beach Mobile Home Park.



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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515024	Riehl Land, LP 595 Mount Pleasant Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-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>
PAI024812020(1)	Victaulic Company c/o Mr. Mark Danial 4901 Kesslersville Road Easton, PA 18040	Northampton	Forks Township	UNT to Bushkill Creek (HQ-CWF, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064216001	Trans-Allegheny Interstate Line Company 341 White Pond Drive Akron, OH 44320-1119	McKean	Keating, Bradford, Lafayette Townships and Lewis Run Borough	S. Branch Cole Creek EV, UNT's to S. Branch Cole Creek EV, Potato Creek TSE, UNT's to Potato Creek TSE-CWF, Watrous Run HQ-CWF, E. Branch Tunungwant Creek HQ-CWF, UNT's to E. Branch Tunungwant Creek HQ-CWF, Railroad Run EV, UNT's to Railroad Run EV, Droney Run EV, Panther Run EV, UNT's to Panther Run EV, UNT's to Pierce Brook CWF, Cole Creek CWF, and UNT's to Cole Creek, and UNT to Blacksmith Run HQ-CWF

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**VII. Approvals to Use NPDES and/or Other General Permits**


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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).

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**List of NPDES and/or Other General Permit Types**


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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>
New Britain Borough Bucks County	PAC090013	County Builders 76 Griffiths Miles Circle Warminster, PA 18901	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAC090020	Prestige Property Partners, LLC 1126 Horsham Road Maple Glen, PA 19002	Unnamed Tributary to Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAC090010	Barley Homes, LLC 46 Barley Road Ivyland, PA 18974	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG02004616072	Lower Salford Township Authority 57 Main Street Harleysville, PA 19438	Unnamed Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatboro Borough Montgomery County	PAC0460021	Alliance HSP Station Park LP c/o Arcadia Land Company 40 Morris Avenue Suite 230 Bryn Mawr, PA 19010	Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG02004616028	Arbors Commercial LP 1030 West Germantown Pike East Norriton, PA 19403	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAC460001	Merk Sharp & Dohme Corporation 770 Sumneytown Pike West Point, PA 19486	Unnamed Tributary to Towamencin Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460026	Kohelet Foundation 822 Montgomery Avenue Narberth, PA 19072	Delaware River WWF	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>
Palmer Township Northampton County	PAC480002	Charles Chrin Real Estate Trust 400 South Greenwood Avenue Easton, PA 18045	Shoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971
Wayne Township Schuylkill County	PAG02005416005	Mr. Curtis Martin 53 Freemans Road Schuylkill Haven, PA 17972	Lower Little Swatara Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742

*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>
College Twp, Centre Cnty	PAC140005	Pleasant Pointe, LP 1155 Benner Pike State College, PA 16801	UNT—Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

*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>
New Sewickley Township	PAC040002	Hillsboro VA Limited 189 Rochester Road Freedom, PA 15042	UNT to Crows Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Center Township	PAC040005	C. J. Betters Real Estate Holdings, LLC 3537 Brodhead Road Monaca, PA 15061	UNT to Poorhouse Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
New Sewickley Township	PAC040007	Vogel Driveway Intersection of Brunner Road and Horkins Mill Road Rochester, PA 15074	Brush Creek (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Center Township and Homer City Borough	PAG02003216009	Pennsylvania Department of Transportation, District 10 2550 Oakland Avenue Indiana, PA 15701	Yellow Creek (CWF-TSF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Mount Pleasant Borough and Cecil Township (Washington County); South Fayette Township (Allegheny County)	PAG0206313020-3	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Harrisburg, PA 17057	Robinson Run (WWF); UNT to Millers Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

*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>
Bristol Township Bucks County	PAR230029	Northtec, LLC 411 Sinclair Street Bristol, PA 19007	Neshaminy Creek 2-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Clinton Township Lycoming County	PAR314813	Halliburton Energy Services, Inc. PO Box 60087 Houston, TX 77205-0087	Turkey Run—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-10**Facility Location  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Shippen Township  
Tioga County

PAG104849

Tennessee Gas Pipeline  
Co. LLC  
1001 Louisiana Street  
Suite 1460a  
Houston, TX 77002-5089Left Straight Run—  
9-ADEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101  
Williamsport, PA  
17701-6448  
570.327.3636**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**

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

**Permit No. 3540012, Operations Permit, Public Water Supply.**

Applicant **Tamaqua Area Water Authority**  
320 East Broad St.  
Tamaqua, PA 18252

[Borough or Township] Schuylkill Township  
County **Schuylkill**  
Type of Facility PWS

Consulting Engineer Timothy J. Glessner, PE  
Gannett Flaming, Inc.  
P.O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Operate 12/01/2016  
Issued

**Permit No. 3540038, Operations Permit, Public Water Supply.**

Applicant **Schuylkill County Municipal Authority**  
221 South Centre Street  
Pottsville, PA 17901

[Borough or Township] City of Pottsville

County **Schuylkill**

Type of Facility PWS

Consulting Engineer Mr. Samuel F. Wood, PE  
Gannett Fleming Inc  
PO Box 67100  
Harrisburg, PA 17106

Permit to Operate 11/09/2016  
Issued

**Permit No. 5216502, Public Water Supply.**

Applicant **Moon Valley Falls Homeowners Association**  
P.O. Box 1068  
Milford, PA 18337

Municipality Milford Township

County **Pike**

Type of Facility PWS

Consulting Engineer Matthew J. Sickler, P.E.  
McGoey, Hauser and Edsall  
Consulting Engineers, D.P.C.  
111 Wheatfield Drive, Suite 1  
Milford, PA 18337

Permit to Construct January 4, 2017  
Issued

**Permit No. 3480038, Operations Permit, Public Water Supply.**

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

[Borough or Township] Roseto Borough

County **Northampton**

Type of Facility PWS

Consulting Engineer Dan Rickard, PE  
 Pennsylvania American Water  
 Company  
 2699 Stafford Avenue  
 Scranton, PA 18505

Permit to Operate 12/2/16  
 Issued

**Application No. 2400095**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661

[Township or Borough] Lehman Township,  
**Luzerne County**

Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE  
 GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 (717) 541-0622

Permit issued Date 12/08/2016

**Application No. 5416501**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661

[Township or Borough] Deer Lake Borough,  
**Schuylkill County**

Responsible Official Patrick R. Burke, PE  
 Aqua, PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Peter J. Lusardi, PE  
 GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 (717) 541-0622

Permit issued Date 12/19/2016

**Application No. 4516509**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661

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

Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Peter J. Lusardi, PE  
 GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 (717) 541-0622

Permit issued Date 12/19/2016

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

**Permit No. 3616517 MA, Minor Amendment**, Public  
 Water Supply.

Applicant **Columbia Water  
 Company—Columbia Division**

Municipality Columbia Borough

County **Lancaster**

Responsible Official David T. Lewis, General  
 Manager  
 220 Locust Street  
 Columbia, PA 17512

Type of Facility Project consist of repainting of  
 the 1,000,000-gallon Marietta  
 Finished Water Storage Tank.

Consulting Engineer Not Listed

Permit to Construct 12/29/2016  
 Issued

**Permit No. 2116511 MA, Minor Amendment**, Public  
 Water Supply.

Applicant **South Middleton Township  
 Municipal Authority**

Municipality North Middleton Township

County **Cumberland**

Responsible Official Robert L. Kissinger, Manager  
 345 Criswell Drive  
 Boiling Springs, PA 17007-0008

Type of Facility Repainting and refinishing of  
 Storage Tank No. 2.

Consulting Engineer Howard Butler, P.E.  
 GHD  
 1240 N Mountain Road  
 Harrisburg, PA 17112

Permit to Construct 12/21/2016  
 Issued

**Permit No. 7280969**, Public Water Supply.

Applicant **MBC Development, LP**

Municipality Antrim Township

County **Franklin**

Responsible Official

Type of Facility Installation of equipment  
 necessary to provide 4-log  
 inactivation of viruses.

Consulting Engineer Joseph M. McDowell, P.E.  
 Martin & Martin, Inc.  
 37 S Main Street  
 Chambersburg, PA 17201

Permit to Construct 12/20/2016  
 Issued

**Permit No. 2115515 MA, Minor Amendment**, Public  
 Water Supply.

Applicant **Pennsylvania American  
 Water**

Municipality Silver Spring Township

County **Cumberland**

Responsible Official David R. Kauffman  
 800 West Hershey Park Drive  
 Hershey, PA 17033

Type of Facility	Construction of a passive intake screen to improve the PWS intake system on the Conodoguinet Creek in Silver Spring Township, Cumberland County. UPDATE: Permit was amended to include the construction of temporary intake and pumping facilities while construction occurs.	Responsible Official	Ms. Christine Weigle Lycoming County Water & Sewer Authority 380 Old Cement Road P.O. Box 186 Montoursville, PA 17754
Consulting Engineer	Scott M. Thomas, P.E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055	Type of Facility	Public Water Supply
Permit to Construct Issued	12/21/2016	Consulting Engineer	Erin Threet, P.E. HRG, Inc. 776 Bull Run Crossing Suite 200 Lewisburg, PA 17837
		Permit Issued	12/14/16
		Description of Action	Increase in the maximum pumping rate of Halls Station Well PW-1 from the previously permitted 60 gallons per minute (gpm) to 110 gpm.
<b>Operation Permit No. 2115511 MA</b> issued to: <b>Pennsylvania-American Water Company (PWS ID No. 7210029)</b> , Silver Spring Township, <b>Cumberland County</b> on 12/21/2016 for facilities at Silver Spring Water Treatment Plant approved under Construction Permit No. 2115511 MA.			
<b>Operation Permit No. 3816505 MA</b> issued to: <b>Cornwall Borough Municipal Authority (PWS ID No. 7380007)</b> , Cornwall Borough, <b>Lebanon County</b> on 12/29/2017 for facilities approved under Construction Permit No. 3816505 MA.			
<b>Operation Permit No. 0714503 MA</b> issued to: <b>Bellemead Civic Association (PWS ID No. 4070025)</b> , Antis Township, <b>Blair County</b> on 12/29/2016 for facilities approved under Construction Permit No. 0714503 MA.			
<b>Operation Permit No. 0615504</b> issued to: <b>The Caernarvon Township Authority (PWS ID No. 3060052)</b> , Caernarvon Township, <b>Berks County</b> on 12/21/2016 for facilities approved under Construction Permit No. 0615504.			
<b>Operation Permit No. 7280369</b> issued to: <b>Fannett-Metal School District (PWS ID No. 7280369)</b> , Metal Township, <b>Franklin County</b> on 12/21/2016 for facilities submitted under Application No. 7280369.			
<b>Operation Permit No. 7360435</b> issued to: <b>Lanchester Associates, LP (PWS ID No. 7360435)</b> , Salisbury Township, <b>Lancaster County</b> on 12/29/2016 for facilities at Lanchester Centre submitted under Application No. 7360435.			
<b>Comprehensive Operation Permit No. 4310031</b> issued to: <b>Warriors Mark General Authority (PWS ID No. 4310031)</b> , Warriors Mark Township, <b>Huntingdon County</b> on 12/29/2016 for the operation of facilities submitted under Application No. 4310031.			
<i>Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.</i>			
<b>Permit No. 4116504—Construction and Operation—Public Water Supply.</b>			
Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>	Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>
Township/Borough	Fairfield Township	Township/Borough	Fairfield Township
County	<b>Lycoming</b>	County	<b>Lycoming</b>
		<b>Permit No. 1716505-MA—Construction—Public Water Supply.</b>	
		Applicant	<b>Treasurer Lake Division</b>
		Township/Borough	Sandy Township
		County	<b>Clearfield</b>
		Responsible Official	Mr. James S. Willard Western Area Manager Aqua PA—Treasure Lake Division 665 South Dock Street Sharon, PA 16146
		Type of Facility	Public Water Supply
		Consulting Engineer	Robert Horvat Entech Engineering, Inc. 400 Rouser Road Building 2, Suite 200 Coraopolis, PA 15108
		Permit Issued	12/16/16
		Description of Action	Conversion of disinfection system at Well N-23 Station from injecting gaseous chlorine to injecting liquid 12.5% sodium hypochlorite into post-Greensand Plus filtration piping, continuous regeneration of Greensand Plus filter media by injecting liquid 12.5% sodium hypochlorite into piping upstream of a static mixer prior to Greensand Plus filters, and installation of: a Hach CL17 free chlorine analyzer to monitor free residual across the filters and a Hungerford and Terry color analyzer to mitigate the risk of potentially overfeeding potassium permanganate.
		<b>Permit No. 4116507-MA—Construction—Public Water Supply.</b>	
		Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>
		Township/Borough	Fairfield Township
		County	<b>Lycoming</b>

Responsible Official Ms. Christine Weigle  
 Lycoming County Water & Sewer Authority  
 P.O. Box 186  
 Montoursville, PA 17754

Type of Facility Public Water Supply

Consulting Engineer Charles W. Stover, P.E.  
 HRG, Inc.  
 474 Windmere Drive  
 State College, PA 16801

Permit Issued 12/20/16

Description of Action Construction of a partially buried 300,000 gallon finished water storage tank with an AWWA D110 Type III wire or strand wound, prestressed, concrete circular core wall, approximately 4,400 linear feet of waterlines to interconnect the new water storage tank to the existing LCWSA Village Water system and appurtenances.

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

**Operations Permit** issued to: **Municipal Authority of the Borough of Midland**, 946 Railroad Avenue, Midland, PA 15059, (**PWSID # 5040038**) Midland Borough, **Beaver County** on December 29, 2016 for the operation of facilities approved under Construction Permit # 0413507-A1.

**Operations Permit** issued to: **Coraopolis Water & Sewer Authority**, 1012 Fifth Avenue, Coraopolis, PA 15108, (**PWSID # 5020010**) Coraopolis Borough, **Allegheny County** on December 29, 2016 for the operation of facilities approved under Construction Permit # 0216501MA.

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

**Permit No. 6106501-MA2**, Public Water Supply.

Applicant **Cornplanter Township**

Township or Borough Cornplanter Township

County **Venango**

Type of Facility Public Water Supply

Consulting Engineer Joseph A. Roddy, P.E.  
 Stiffler McGraw

Permit to Construct Issued December 29, 2016

**WATER ALLOCATIONS**

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA2-1009**, Water Allocations. **Harmar Water Authority**, 200 Pearl Avenue, Cheswick, PA 15024, **Allegheny County**. The right to withdraw 956,000 gallons of water per day, peak month (30-day average), from wells located along the Allegheny River.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tredyffrin Township	1100 DuPortail Road Berwyn, PA 19312	Chester

On December 6, 2016, the Southeast Regional Office approved a revision to the Tredyffrin Township Official Sewage Facilities Plan for the Brightview Senior Living development.

DEP Code 1-15952-372-3J. The project proposes the consolidation of four parcels into one parcel to allow for the development of a 167-room (196-bed) senior living facility on 2.8 acres. The senior living facility will consist of a mix of independent living (91 rooms), assisted living (50 rooms), and memory care (26 rooms).

The existing cell phone tower will remain while all existing buildings will be demolished. This project is located at 293—319 East Conestoga Road, in Tredyffrin Township (Township), Chester County on Tax Map Parcels 43-11F-179, 43-11F-178, 43-11F-177, and 43-11F-176. This plan revision is approved.

The project will be connected to the Tredyffrin Township collection system and will generate 16,660 gallons of sewage per day to be treated at the City of Philadelphia Water Department Southwest Water Pollution Control Facility.

Capacity for this project is provided consistent with Springfield Township's Corrective Action Plan—Summary of RHM Connection Allocations and the Darby Creek Joint Authority's Capacity Management Plan for the Darby Creek Interceptor.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**Public Notice of Proposed Limited Interim Response**

**CBS Vanport/Vanport Township Municipal Authority Site**

**Vanport Township, Beaver County**

Under Section 506(b) of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. § 6020.506(b)), notice is hereby given that the Department of Environmental Protection (Department) is proposing to undertake a HSCA limited interim response at the CBS Vanport/Vanport Township Municipal Authority Site (Site), in Vanport Township, Beaver County.

Samples obtained from various points upgradient of the Vanport Township Municipal Authority water supply system have indicated trichloroethylene (TCE) at concentrations above the 5.0 ug/l standard set under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.9089), commonly known as Act 2, which poses an ongoing threat to the Vanport Township Municipal Authority water supply system.

The Department has considered the following three alternatives to address the release of TCE at the Site: 1) take no action; 2) subsidize monthly monitoring of VTMA's air stripping tower influent and select groundwater wells; or 3) continue a monthly sampling protocol; undertake fate and transport modeling of the TCE plume using existing groundwater data; collect additional data as needed; collect soil and surface water samples to better define TCE contamination areas; and assess the efficiency, future viability, and alternatives to the air stripping tower and pump and treat systems.

The Department proposes undertaking Alternative 3, because it complies with applicable or relevant and appropriate requirements and is cost-effective.

The Administrative Record which contains the information that supports the Department's selection of this response action is available for public review and comment. The Administrative Record is available for review at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, Monday through Friday, between 9:00 a.m. and 4:00 p.m.

The Administrative Record will be open for review and comment from January 14, 2017, until April 14, 2017. Persons may submit written comments into the record during this time only, by sending them to Annette Paluh, Project Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present, at a public hearing, oral comments which will be transcribed for inclusion in the Administrative Record. The Department has scheduled the public hearing on February 28, 2017, at 6:00 p.m., at the Vanport Township Municipal Building, 477 State Avenue, Vanport, PA 15009. Persons wishing to present comments must register in writing with Brian Schimmel, at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, or by telephone at (412) 442-4199, before noon on February 28, 2017.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Brian Schimmel at (412) 442-4199, or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD), to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environ-

mental 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.*

**Popple Brother Property Bel-Air Yards**, Connell Street, Old Forge Borough, **Lackawanna County** and Duryea Borough, **Luzerne County**. Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18518, on behalf of Popple Brothers Coal Company, 38 Connell Street, Old Forge, PA 18518, submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Conversano Property**, 897 Country Place Drive, Coolbaugh Township, **Monroe County**. Patriot Environmental Management, LLC, 21 Unionville Road, PO Box 629, Douglassville, PA 19518, on behalf of The Sycamore Companies, 998 Old Eagle School Road, Wayne, PA 18466, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, MTBE, Isopropylbenzene, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Schmidt Property**, 975 Tyler Lake Road, Harford Township, **Susquehanna County**. Geological & Environmental Associates, Inc., 430 West Mountain Road, Plymouth, PA 18651, on behalf of Datom Products, Inc., 113 Monahan Avenue, Dunmore, PA 18512, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Donald Pissott Property**, 74 Sorbertown Road, Hunlock Township, **Luzerne County**. Geological and Environmental Associates, Inc., 430 West Mountain Road, Plymouth, PA 18651, on behalf of Datom Products, Inc.,



113 Monahan Avenue, Dunmore, PA 18512, submitted a Final Report concerning remediation of site soils contaminated with Kerosene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Range Resources Laurel A Unit 25H**, Jackson Township, **Lycoming County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Range Resources, 80 Health Drive, Lock Haven, PA 17745, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health 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 Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the

notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Ridgeview Healthcare & Rehabilitation Center**, 200 Pennsylvania Avenue, West Mahanoy Township, **Schuylkill County**. Lender Consulting Services, Inc., 40 LaRiviere Drive, Suite 120, Buffalo, NY 14202 and Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Ridgeview Propco LLC, 600 Broadway Street, East Lynbrook, NY 11563, submitted a Final Report concerning the remediation of site soils contaminated with benzene, 1,2-dibromoethane, 1,2-dichloroethane, ethylbenzene, isopropylbenzene, methyl tert-butyl ether, naphthalene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 13, 2016.

**Getz Service Station**, 10635 Hamilton Blvd., Upper Macungie Township, **Lehigh County**. JK Environmental Services, LLC, PO Box 509, Lafayette Hill, PA 19444, on behalf of Lewis Environmental, 155 Railroad Plaza # 1, Royersford, PA 19468, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, MTBE, Napthalene, 1,3,5-TMB, and 1,2,4-TMB. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 16, 2016.

**Popple Brother Property Bel-Air Yards**, Connell Street, Old Forge Borough, **Lackawanna County** and Duryea Borough, **Luzerne County**. Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18518, on behalf of Popple Brothers Coal Company, 38 Connell Street, Old Forge, PA 18518, submitted a Final Report concerning the remediation of site soils contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 20, 2016.

**Powers, N. Pad 1 Site**, 477 Stone Street, Forest Lake Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide Health and Background Standards, and was approved by the Department on December 28, 2016.

*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 Final Report concerning remediation of soil contaminated with # 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide Health Standards for the identified petroleum substances and was approved by the Department on December 14, 2016.

**LVIV Trucking LTD Route 15 S Diesel Fuel Cleanup**, Clinton Township, **Lycoming County**. Northridge Group, Inc., P O Box 231, Northumberland, PA 17857, on behalf of LVIV Trucking, LTD, 3 Renoak Dr, Toronto, Canada M2R3E-1, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 16, 2016.

**Yankee Freight Project**, Mifflin Township, **Columbia County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Yankee Freight, 12161 S. Central Avenue, Suite 203, Alsip, IL 60803, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 13, 2016.

**Bonnell Run H & FC Pad D**, Pine Township, **Lycoming County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Anadarko E & P Onshore, LLC, 33 West 3rd St., Suite 300, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with inorganic constituents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 27, 2016.

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

**Punxsutawney Tile & Glass**, 220 Lane Avenue, Punxsutawney Borough, **Jefferson County**. Mavickar Environmental Consultants, 5925 Stevenson Avenue, Suite A, on behalf of Punxsutawney Tile & Glass, 220 Lane Avenue, Punxsutawney, PA 15767, submitted a Final Report concerning the remediation of site soil contaminated with cadmium. The Report was disapproved by the Department on December 28, 2016.

**Vista Resources Pleasantville Release**, Neiltown Road, Harmony Township, **Forest County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Vista Resources, 61 McMurray Road, Suite 300, Pittsburgh, PA 15241, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, cyclohexane, ethylbenzene, isopropylbenzene (cumene), naphthalene, sec-butylbenzene, tert-butylbenzene, toluene, total xylenes, 1-1-biphenyl, 2-methylnaphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, phenol, aluminum, barium, boron, iron, lithium, manganese, selenium, vanadium, strontium, and zinc. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 29, 2016.

## MUNICIPAL WASTE GENERAL PERMIT

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

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

**General Permit Numbers: WMGM055SC004 and WMGM055SW005. Granger Energy of Morgantown, LLC & Granger Energy of Honey Brook, LLC**, 16980 Wood Road, Lansing, MI 48906. For the processing and beneficial use of: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity. These permits were renewed by Central Office on December 21, 2016.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## RESIDUAL WASTE GENERAL PERMITS

**Application(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Number WMGR139. Roaring Spring Biofuel**, 740 Spang Street, Roaring Spring, PA 16673. General Permit Application Number WMGR139 authorizes processing prior to beneficial use of raw materials from pre-consumer manufacturing operations to produce fuel cubes. The pre-consumer raw materials are residual wastes, as the term is defined by 25 Pa. Code § 287.1, and limited to paper products (paper, laminated paper, cardboard), waste grain (animal feed, feed supplements), textiles, non-halogenated plastics (polyethylene, polyurethane, other non-halogenated plastics), wood (scrap lumber, pallets, particle board, sawdust, wood shavings), paper mill sludge, and packaging materials. At the request of the permittee, General Permit Number WMGR139 was modified to include processing of the same limited materials that are classified as municipal waste due to their source. The modification does not include not include materials from municipal recycling facilities. The application was issued by Central Office on January 3, 2017.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Man-

agement, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Revoked Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit No. WMGR081D042. Vintage Tech LLC**, 13543 South Route 30, Plainfield, IL 60544. This permit has been revoked and the coverage under General Permit No. WMGR081D042, which authorizes the processing of uncontaminated, source-separated waste electronics, is terminated in response to the permittee's request for final closure certification approval of general permit No. WMGR081D042 at the Vintage Tech, LLC, facility located at 4601 Bath Street in the City of Philadelphia, **Philadelphia County**. The final closure certification and revocation for the determination of applicability was approved by the Southeast Regional Office on December 22, 2016.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101712, JG Environmental, LLC**, 776 Flory Mill Road Lancaster, PA 17601. A new operating permit was issued on January 3, 2017 for a municipal waste processing facility located in Manheim Township, **Lancaster County**, in accordance with Article V of the Solid Waste Management Act, 35 P.S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

#### **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.**

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

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

**GP5-59-201A: SWEPI, LP** (150 North Dairy Ashford, Houston, TX 77079) on December 22, 2016, for the continued operation of two (2) 1,340 bhp Caterpillar model G3516 TALE four-stroke lean-burn natural gas-

fired compressor engines with Miratech oxidation catalysts, one (1) 30.0 MMscf/day NATCO model SB12-8 dehydrator unit equipped with a 0.25 MMBtu/hr reboiler heater, one (1) 60.0 MMscf/day NATCO SB12-8 dehydrator unit equipped with a 0.50 MMBtu/hr reboiler heater, one (1) 10,000 gallon produced water tank and various fugitive emissions, including adjacent pigging operations pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Wellsboro # 2 (aka Parthemer) Compressor Station located in Charleston Township, **Tioga County**.

**GP5-59-207C: SWEPI LP** (150-E N. Dairy Ashford, E-1296-J, Houston, TX 77079) On December 28, 2016, for the continued operation of two (2) 1,340 bhp Caterpillar model G3516 TALE four-stroke lean-burn natural gas-fired compressor engines with Miratech model SP-ZES-30x31-12 oxidation catalysts, one (1) 1,380 bhp Caterpillar model G3516B LE four-stroke ultra-lean-burn natural gas-fired compressor engines with Miratech model IQ-RE-30EH oxidation catalyst, one (1) 30.0 MMscf/day NATCO model SB12-8 dehydrator unit equipped with a 0.25 MMBtu/hr reboiler heater, one (1) 60.0 MMscf/day NATCO SB12-8 dehydrator unit equipped with a 0.50 MMBtu/hr reboiler heater, and one (1) 10,000 gallon produced water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Matz Compressor Station located in Chatham Township, **Tioga County**.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**GP1-04-00086: First Energy Nuclear Generation, LLC** (A-BV-IPAB/SH, Route 168, Shippingport, PA 15077) on December 30, 2016, for authorization of two (2) No. 2 fuel oil fired auxiliary boilers rated at 47.2 MMBtu/hr each, at the Beaver Valley Power Station located in Shippingport Borough, **Beaver County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Thomas 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.*

**07-03036A: Forsht Products, Inc./Altoona** (787 Forsht Lane, Altoona, PA 16601) on December 22, 2016, for construction of a human crematory controlled by an afterburner at the facility in Logan Township, **Blair County**.

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

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

**10-401A: Commercial Asphalt Supply Inc.** (161 Plain Grove Rd., Slippery Rock, PA 16057) on December 28, 2016 issued a Plan Approval to construct and initially operate a hot mix asphalt plant in Clearfield Township, **Butler 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.**

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

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

**46-0020I: Superior Tube Co. Inc.** (3900 Germantown Avenue, Collegeville, PA 19426-3112) On December 28, 2016 for the extension of an increase of the Hydrogen fluoride (HF) emissions limit for the existing pickling and passivation operation in Lower Providence Township, **Montgomery County**.

**09-0230: Veterinary Crematory Services** (387 Nina Way, Warminster, PA 18974-2826) On January 3, 2017 for the extension of the installation and operation of the five (5) natural gas-fired animal crematories in Warminster Township, **Bucks County**.

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

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

**06-05069AA: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on December 29, 2016, for proposed changes to operations in the Industrial Battery Manufacturing Facility. The Industrial Battery Manufacturing Facility is located at the Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

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

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

**14-00002N: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on December 8, 2016, approved their extension submittal which requested completion of the stack testing and CEMS certification in this authorization after the resolution of the kiln 8 operational issues but no later than one (1) year from the initial deadlines, by September 18, 2017. The construction of the sources associated with the kiln 8 project is located at their Pleasant Gap plant located in Spring Township, **Centre County**.

**14-00002P: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on December 8, 2016, approved their extension submittal which requested completion of the stack testing in this authorization after the resolution of the kiln 8 operational issues but no later than one (1) year from the initial deadline, by September 18, 2017. The construction of the sources associated with the kiln 8 project is located at their Pleasant Gap plant located in Spring Township, **Centre County**.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**30-00089C: Dominion Transmission, Inc.** (5000 Dominion Blvd.—2 NW, Glen Allen, VA 23060) Extension effective December 28, 2016, to extend the period of

temporary operation of the natural gas-fired compressor turbine, microturbine generators, and boiler authorized under plan approval PA-30-00089C, until June 28, 2017 at the Crayne Compressor Station located in Franklin Township, **Greene County**.

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

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

**16-132K: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16254) on December 29, 2016, effective December 31, 2015, has issued a plan approval extension for exhausting the 2nd and 3rd stage dryers to atmosphere through baghouses, for removal of the press enclosure, and for inclusion of existing sources not included in the facility operating permit in Paint Township, **Clarion County**. Expiring June 30, 2017. This is a Title V facility.

**20-123F: Lord Corporation Cambridge Springs Facility** (124 Grant Street, Cambridge Springs, PA 16403) on December 29, 2016, effective December 31, 2016, has issued a plan approval extension for the construction and operation of a surface coating booth and a curing oven associated with the expansion project in Cambridge Springs Borough, **Crawford County**. This is a Title V facility.

**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*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.*

**07-05008: Team Ten LLC** (1600 Pennsylvania Avenue, Tyrone, PA 16686-0099) on December 27, 2016, for the Tyrone paper mill located in Tyrone Borough, **Blair County**. The Title V permit was renewed.

**67-05006: York County Solid Waste & Refuse Authority** (2700 Blackbridge Road, York, PA 17406-7901) on December 23, 2016, for the York County Resource Recovery Facility located in Manchester Township, **York County**. The Title V permit was renewed.

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

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

The City of Philadelphia, Air Management Services (AMS) has issued a Title V/State Operating Permit for the following facilities:

**OP16-000005: University of Pennsylvania** (3451 Walnut Street, Philadelphia, PA 19104) for the operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources nine <10 MMBTU/hr heaters and furnaces, 56 emergency generators, and two fire pumps. The operating permit has been issued on December 22, 2016.

**V15-003: Newman and Company, Inc.** (6101 Tacony St., Philadelphia, PA 19135). The facility's air emissions' sources include a 118 MMBTU/hr boiler, nine space

heaters less than 0.5 MMBTU/hr. The facility also has a stage II vapor recovery system for a 3,000 gallon gasoline tank, a 973,000 BTU/hr fire pump, and a trim waste blower system. The operating permit has been issued on December 22, 2016 for the operation of a paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*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) issued on 1/3/17, a State Only (Synthetic Minor) Operating Permit for their facility located in Ransom Township, **Lackawanna County**. The facility was operating under Title V Operating Permit 35-00004; however, the permittee 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 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.

**40-00018: Coveris Flexibles US, LLC** (3 Maplewood Dr., Hazleton, PA 18202-9790) issued on 12/29/16, a Synthetic Minor Operating Permit renewal for operation of an uncoated paper and multiwall bag manufacturing operation in Hazle Township, **Luzerne County**. The source includes multicolor flexographic printing presses, patch printers, and an emergency generator. The operating permit includes requirements designed to keep the facility operating within applicable air quality requirements.

**48-00034: Lafayette College** (730 High St, Easton, PA 18042) issued on 12/23/16, a State Only (Synthetic Minor) Operating Permit for their facility located in the City of Easton, **Northampton County**. The facility was operating under Title V Operating Permit 48-00034; 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 facility's main sources include two (2) 30 MMBtu/hr No. 2 and natural gas-fired Keeler boilers, and two (2) 29.5 MMBtu/hr No. 2 and natural gas-fired Nebraska boilers. Other sources at the facility include miscellaneous small natural gas-fired boilers and hot water heaters, miscellaneous natural gas-fired emergency generators, one (1) diesel-fired emergency generator, two (2) diesel-fired emergency fire pumps, and diesel and No. 2 fuel oil storage tanks.

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.

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

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

**67-05139: Hanover Foods Corp.** (1550 York Street, PO Box 334, Hanover, PA 17331) on December 21, 2016, for the Hanover Cannery located in Penn Township, **York County**.

**06-03107: Morgan Truck Body LLC dba Morgan Corp.** (One Morgan Way, PO Box 588, Morgantown, PA 19543-0588) on December 22, 2016, for the truck body and part manufacturing facility located in New Morgan Borough, **Berks County**. The State-only permit was renewed.

**36-05164: Bigbee Steel & Tank Co.** (1 Highland Road, Stoystown, PA 15563) on December 29, 2016, for the steel storage tank manufacturing facility located in Rapho Township, **Lancaster County**.

**38-03017: Keystone Spikes Corp.** (255 North Lincoln Avenue, Lebanon, PA 17046-3949) on December 29, 2016, for the railroad spike manufacturing facility located in Lebanon City, **Lebanon County**. The State-only permit was renewed.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**37-00299: TMS International, LLC**, (1155 Business Center Drive, Horsham, PA 19044). On December 8, 2016, the Department issued a renewal of the State Only Operating Permit for the TMS International New Castle slag processing plant located in Taylor Township, **Lawrence County**. The facility is a Natural Minor. Estimated annual emissions are as follows: 2.64 tpy PM; 1.10 tpy PM<sub>10</sub>; and 1.91 tpy PM<sub>2.5</sub>. The primary sources at the facility are slag processing and storage piles. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

The City of Philadelphia, Air Management Services (AMS) has issued Minor State Only Operating Permits for the following facilities:

**OP16-000024: Eastern Regional Medical Center (ERMC)** (1331 E. Wyoming Ave, Philadelphia, PA 19124), for the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 5.10 MMBTU/hr boilers firing natural gas or No. 2 fuel oil, one (1) 1,100 kW Co-Generation system with Oxidation Catalyst firing natural gas, and one (1) emergency generators rated 750 kW or less firing diesel fuel, and three (3) emergency generators rated 600 kW or less firing diesel fuel.

The operating permit has been issued on December 9, 2016.

**OP16-000017:** (Delta Air Lines, PHL, 8500 Essington Ave, Philadelphia, PA 19153) for the operation of multiple non-road engines at the facility in the City of Philadel-

phia, **Philadelphia County**. The facility's air emission source includes 8 non-road internal combustion engines at Philadelphia Airport. Each engine is less than 500 HP.

The operating permit has been issued on November 25, 2016.

**OP16-000011: South Eastern Pennsylvania Transportation Authority Overbrook Maintenance Facility** (at 5320 West Jefferson Street, Philadelphia, PA 19131), for the operation of a Trolley maintenance and repair facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes ten 0.300 MMBTU/hr and five 0.800 MMBTU/hr and one 0.400 MMBTU/hr space heaters firing natural gas, and one pressure washer and two parts washers.

The operating permit has been issued on November 25, 2016.

**OP16-000012: South Eastern Pennsylvania Transportation Authority Callowhill Bus Facility** (at 52 and Callowhill Street, Philadelphia, PA 19132), for the operation of a bus maintenance and repair facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 4.72 MMBTU/hr and one 1.36 MMBTU/hr boilers firing natural gas and nine 0.83 MMBTU/hr space heaters firing natural gas, one pressure washer and two soil remediation system, two degreasers and a 200 KW emergency generator.

The operating permit has been issued on November 25, 2016.

**V15-005: PaperWorks Industries, Inc** (5000 Flat Rock Road, Philadelphia, PA 19127). The facility's air emissions' sources include one (1) 240 MMBTU/hr boilers with the capability natural gas only (Reduced the capacity from 240 MMBTU/hr to 156 MMBTU/hr, 2014), and Two natural gas boilers, Boiler # 3 and # 4, each rated 92.27 MMBTU/hr and paper making and coating machines. The operating permit has been issued on December 22, 2016 for the operation of a paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**.

**S12-027: Transflow Terminal Services Inc**, (3600 Moore Street, Philadelphia, PA 19145). The operating permit has been issued on November 25, 2016 for the operation of a Crude Oil Transfer Operations facility in the City of Philadelphia, **Philadelphia County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**23-00009: The Boeing Company** (PO Box 16858 Philadelphia, PA 19142) On January 3, 2017 for a significant modification to incorporate provisions Pennsylvania's Reasonably Achievable Control Technology (RACT Phase II) regulations, as specified under 25 Pa. Code § 129.99, for the Composite Manufacturing (Source ID 251) process and modify the permit to include a 1 ton/year restriction on VOC emissions from the Paint Stripper source (Source ID 110) to exempt the source from RACT Phase II regulation for the Title V Operating Permit for this facility located in Ridley Township, **Delaware County**.

**23-00041: MIPC, LLC.** (920 Cherry Tree Rd, Aston, PA 19014), for a minor modification to incorporate the presumptive RACT II requirement of "good operating practices" under 25 Pa. Code § 129.97 to the requirements for emergency generator (Source ID 150) and update the responsible official contact in the Title V Operating Permit for its tank farm located in Upper Chichester Township, **Delaware County**.

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

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

**06-05034: Texas Eastern Transmission LP** (PO Box 1642, Houston, TX 77251-1642) on December 23, 2016, for the Bechtelsville natural gas compressor station located in Washington Township, **Berks County**. The Title V permit underwent a minor modification to impose a 50 tpy VOC emission cap (12-month rolling) and associated recordkeeping.

**06-05033: Texas Eastern Transmission LP** (2601 Market Place, Suite 400, Harrisburg, PA 17110-9363) on December 23, 2016, for the Bernville natural gas compressor station located in North Heidelberg Township, **Berks County**. The Title V permit underwent a minor modification to impose a 50 tpy VOC emission cap (12-month rolling) and associated recordkeeping.

**36-05025: Texas Eastern Transmission LP** (PO Box 1642, Houston, TX 77251-1642) on December 22, 2016, for the Marietta natural gas compressor station located in East Donegal Township, **Lancaster County**. The Title V permit underwent a minor modification to add VOC emission caps for certain equipment, plus associated recordkeeping. Also, the presumptive RACT requirement of 25 Pa. Code § 129.97(c) was added as applicable to certain equipment.

**22-05047: Dura Bond Pipe LLC** (2716 South Front Street, Steelton, PA 17113-3099) on December 21, 2016, for the pipe manufacturing facility located in Steelton Borough, **Dauphin County**. The Title V permit underwent a minor modification to add a 12-month rolling VOC limit to Source 104, and to add presumptive RACT 2 requirements for Source 104.

**36-03147: A&M Composting, Inc.** (2022 Mountain Road, Manheim, PA 17545-9517) on December 22, 2016, for the sewage sludge composting facility located in Penn Township, **Lancaster County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-03147B.

**07-05010: ST Products, LLC** (PO Box 1017, Duncansville, PA 16635) on December 29, 2016, for the copper and brass tubing manufacturing facility located in Allegheny Township, **Blair County**. The Title V permit underwent a minor modification in order to insert 12-month rolling emission caps to ensure minor facility status for VOC, NO<sub>x</sub>, and HAPs, and also to clarify applicability of 25 Pa. Code § 129.63, and also to add additional identifying details regarding emergency generators.

**28-05004: Grove US, LLC** (1565 Buchanan Trail East, PO Box 21, Shady Grove, PA 17256) on December 29, 2016, for the hydraulic mobile crane manufacturing facility located in Antrim Township, **Franklin County**. The Title V permit underwent a minor modification in order to 1.) add a 12-month rolling VOC limit of 2.7 tons for

Source 199 (Cleaning Solvents), 2.) add a 12-month rolling operational limit of 500 hours for emergency generators at the site, 3.) add presumptive RACT requirements for Source 199 and emergency generators, 4.) update partial vacature information for applicable emergency generator federal regulations, and 5.) remove Sources 106 and 116.

**67-05113: Graham Architectural Products Corp.** (1551 Mt. Rose Avenue, York, PA 17403-2909) on December 29, 2016, for the commercial replacement window manufacturing facility located in Spring Garden Township, **York County**. The Title V permit underwent a minor modification in order to 1.) add 12-month rolling total emission caps for VOC, NO<sub>x</sub>, and HAPS to ensure facility minor status for these pollutants, 2.) added a 3,500 hr/yr limit on source operations, 3.) added recordkeeping requirements for emission caps and the operating limit, 4.) updated the malfunction reporting condition, 5.) streamlined cross-referencing of conditions, and 6.) updated the throughput rating of Source 102 (Cleaning Solvents).

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

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

**TVOP-03-00125: Peoples Natural Gas Company LLC** (1201 Pitt Street, Pittsburgh, PA 15221) Minor Modification issued on December 30, 2016, to incorporate one compressor engine decommissioning and annual operational hour's restrictions on each of three compressor engines in their existing permit for their Valley Compressor Station located in Cowanshannock Township, **Armstrong County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### *Coal Permits Issued*

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

**65131301 and NPDES No. PA0236241. LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). To operate the Rustic Ridge # 1 in Donegal Township and Donegal Borough, Westmoreland County, Saltlick Township, **Fayette County**, a new underground mine and related NPDES permit. Surface Acres Proposed 67.7, Underground Acres Proposed 2,886.5, Subsidence Control Plan Acres Proposed 2,780.6. Receiving stream:

Champion Creek, classified for the following use: CWF. The application was considered administratively complete on October 7, 2014. Application received September 23, 2014. Permit issued December 23, 2016.

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

**Permit No. 32100201 and NPDES No. PA0262960. Robindale Energy Services, Inc.**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal for the continued operation and restoration of a bituminous surface mine in Brush Valley Township, **Indiana County**, affecting 58.5 acres. Receiving stream: Blacklick Creek classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 31, 2016. Permit issued: December 28, 2016.

### *Noncoal Permits Issued*

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

**08162804. Robert Johnson Flagstone, Inc.** (3658 Old Stagecoach Road, Wyalusing, PA 18853). Commencement, operation and restoration of small noncoal industrial minerals (bluestone/flagstone) quarry in Wyalusing and Tuscarora Townships, **Bradford County** affecting 5.0 acres. Receiving stream(s): Unnamed Tributary to Wyalusing Creek classified for the following uses: WWF, MF. Application received: October 25, 2016. Permit Issued: December 22, 2016.

**PAM216026. Robert Johnson Flagstone, Inc.** (3658 Old Stagecoach Road, Wyalusing, PA 18853). General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 08162804 in Wyalusing and Tuscarora Townships, **Bradford County**. Receiving stream(s): Unnamed Tributary to Wyalusing Creek. Application received: October 25, 2016. Permit Issued: December 22, 2016.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Issued*

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

**26164101. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for construction at the Uniontown Borrow II Development, located in North Union Township, **Fayette County** with an expiration date of December 31, 2017. Blasting permit issued: December 14, 2016.

**63164003. KESCO, Inc.** (215 South Main Street, Suite 2, Zelenople, PA 16063). Blasting activity permit for construction at the Meritage—King Edward Drive Development, located in Cecil Township, **Washington County** with an expiration date of July 1, 2017. Blasting permit issued: December 27, 2016.

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

**Permit No. 15164115. Brubacher Excavating, Inc.**, (P.O. Box 528, Bowmansville, PA 17507), construction

blasting for Kimberton Glen in East Pikeland Township, **Chester County** with an expiration date of December 30, 2017. Permit issued: December 23, 2016.

**Permit No. 23164105. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for SR 3025 Sec Mit Expansion in Concord Township, **Delaware County** with an expiration date of December 12, 2017. Permit issued: December 23, 2016.

**Permit No. 36164173. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Autumn Hills Development in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2017. Permit issued: December 23, 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

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

**E14-570. Plenary Walsh Keystone**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV # 029, SR 1002, Section A13 over UNT to Little Marsh Run in Boggs Township, **Centre County**, ACOE Baltimore District (Snow Shoe SE, PA Quadrangle N: 41.0092°; W: 77.7904°).

To : 1) remove a structurally deficient bridge, 2) construct and maintain a concrete box culvert that spans 20.0 feet, is 55.0 feet wide, has an effective underclearance of 4 feet over backfilled concrete baffles, 3) realign a 152 linear feet portion of the upstream channel to make the right stream bank more stable for the roadway berm in an unnamed tributary to Little Marsh Creek, 4) a temporary full width two 2-foot diversion pipe crossing for construction access. This permit also includes 401 Water Quality Certification.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E42-368, Trans-Allegheny Interstate Line Company**, 341 White Pond Drive, Akron, OH 44320-1119, ACOE Pittsburgh District.

To construct and maintain a total of approximately 15.6 miles of 230 kV electric transmission line with a 160 ft wide ROW between the existing Lewis Run substation in Bradford Township, **McKean County** (Bradford, PA Quadrangle N: 41°, 52', 50.68"; W: 78°, 39', 33.63") and the existing Pierce Brook substation in Keating Township, **McKean County** (Smethport, PA Quadrangle N: 41°, 50', 31.34"; W: 78°, 24', 32.30") including the following activities:

1) To construct and maintain approximately 7.3 miles of 230 kV electric transmission line within existing ROW from the Lewis Run substation (Bradford, PA Quadrangle N: 41°, 52', 50.68"; W: 78°, 39', 33.63") east to a location approximately 2 miles east of Cyclone near McOuan Hollow (Cyclone, PA Quadrangle N: 41°, 50', 35.96"; W: 78°, 32', 35.57") including the following impacts:

a. Aerial power line crossings of 23 wetlands and 13 streams/floodways including Waltrous Run, East Branch Tunungwant Creek, Railroad Run, Droney Run, Panther Run, and associated tributaries.

b. Temporary equipment crossings of 21 wetlands and 11 streams including Waltrous Run, Railroad Run and associated tributaries, Droney Run, Panther Run and associated tributaries, and a tributary to East Branch Tunungwant Creek resulting in temporary impacts to 1.75 acre of wetland and 357 LF of stream.

c. Installation of 4 poles in wetlands and 2 in floodways; 6 guy anchors in wetlands and 1 in a floodway.

d. Permanent conversion of approximately 1.1 acre of PFO/PSS wetland to PEM in the maintained ROW.

2) To construct and maintain approximately 8.3 miles of 230 kV electric transmission line in new ROW beginning at the existing ROW approximately 2 miles east of Cyclone near McOuan Hollow (Cyclone, PA Quadrangle N: 41°, 50', 35.96"; W: 78°, 32', 35.57") and continuing east to the Pierce Brook Substation (Smethport, PA Quadrangle N: 41°, 50', 31.34"; W: 78°, 24', 32.30") including the following impacts:

a. Aerial power line crossings of 29 wetlands, 1 pond, and 17 streams/floodways including Potato Creek and



associated tributaries, tributaries to South Branch Cole Creek, and tributaries to Pierce Brook.

b. Temporary equipment crossings of 30 wetlands and 12 streams including tributaries to South Branch Cole Creek and tributaries to Potato Creek resulting in temporary impacts to 1.03 acre of wetland and 210 LF of stream.

c. Installation of 4 poles in wetlands and 4 in floodways; 2 guy anchors in wetlands and 9 in floodways.

d. Permanent conversion of approximately 2.1 acres of PFO/PSS wetland to PEM in the maintained ROW.

3) To remove approximately 5.2 miles of existing electric transmission line and poles beginning approximately 2 miles east of Cyclone near McOuan Hollow (Cyclone, PA Quadrangle N: 41°, 50', 35.96"; W: 78°, 32', 35.57") and extending east along South Branch Cole Creek to the Farmers Valley Substation (Smethport, PA Quadrangle N: 41°, 51', 17.62"; W: 78°, 26', 51.75") including temporary equipment crossings of 32 wetlands and 19 streams including South Branch Cole Creek and associated tributaries resulting in temporary impacts to 1.4 acre of wetland and 479 LF of stream.

4) To install additional temporary equipment crossings of 15 wetlands and 4 streams including tributaries to Potato Creek and tributaries to South Branch Cole Creek resulting in temporary impacts to a total of 0.3 acre of wetland and 97 LF of stream.

5) To mitigate for the above impacts by enhancing 4.03 acres of existing wetland located adjacent to the ROW in Keating Township, McKean County (Smethport, PA Quadrangle N: 41°, 49', 52.06"; W: 78°, 25', 11.74") by planting trees and shrubs, excluding cattle, and placing the parcel in a conservation easement.

#### 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 # ESCP-08-16-8-02(1)  
Applicant Name Tennessee Gas Pipeline Co, LLC  
Contact Person Andrew Kemsley  
Address 1001 Louisiana Street, Suite 1460A  
City, State, Zip Houston, TX 77002  
County Bradford  
Township(s) Troy Township  
Receiving Stream(s) and Classification(s) UNT S. Branch Sugar Creek (TSF); S. Branch Sugar Creek (TSF)

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESG16-059-0018  
Applicant Name CNX Gas Company LLC  
Contact Person Erika Whetstone  
Address 200 Evergreene Drive  
City, State, Zip Waynesburg, PA 15370  
County Greene  
Township(s) Richhill and Gray  
Receiving Stream(s) and Classification(s) 10 UNTs to Grinnage Run (HQ), 1 UNT to Grays Fork (HQ), South Fork Ten Mile Creek(HQ)  
Secondary Monongahela River

ESCGP-2 # ESX16-059-0048  
Applicant Name Rice Drilling B LLC  
Contact Person Joseph Mallow  
Address 2200 Rice Dr  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Aleppo & Springhill  
Receiving Stream(s) and Classification(s) UNTs to Harts Run (WWF)  
Secondary—Harts Run (WWF)

ESCGP-2 # ESG13-125-0062  
Applicant Name Mark West Liberty Midstream & Resources LLC  
Contact Person Rick Lowry  
Address 4600 J Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) West Finley & East Finley  
Receiving Stream(s) and Classification(s) UNTs to Robinson Fork (WWFP; Bonar Ck (HQ-WWF)  
Secondary—Robinson Fork (WWF); Dutch Fork (HQ-WWF)

ESCGP-2 # ESX16-005-0007  
Applicant Name Snyder Bros Inc  
Contact Person Carl Rose  
Address 90 Glade Dr  
City, State, Zip Kittanning, PA 16201  
County Armstrong  
Township(s) South Buffalo  
Receiving Stream(s) and Classification(s) UNTs to Allegheny River (WWF)  
Secondary—Allegheny River (WWF)

ESCGP-2 # ESX16-003-0006  
Applicant Name EQT Production Co  
Contact Person Todd Klaner  
Address 2400 Ansys Dr, Suite 200  
City, State, Zip Canonsburg, PA 15217  
County Allegheny  
Township(s) Forward

Receiving Stream(s) and Classification(s) UNTs to Kelly Run (WWF); Kelly Run (WWF); UNTs to Perry Mill Run (WWF); Perry Mill Run (WWF); UNTs to Sunfish Run (WWF); Sunfish Run (WWF)  
Secondary—Kelly Run (WWF); Perry Mill Run (WWF); Sunfish Run (WWF); Monongahela River (WWF)

ESCGP-2 # ESX11-059-0009  
Applicant Name Vantage Energy Appalachia II LLC  
Contact Person John Moran  
Address 116 Inverness Dr East, Suite 107  
City, State, Zip Eaglewood, CO 80112  
County Greene  
Township(s) Washington  
Receiving Stream(s) and Classification(s) UNT to Ruff Ck (WWF); Ruff Ck (WWF)  
Secondary—S Fork Tenmile Ck

ESCGP-2 # ESX16-1235-0044  
Applicant Name Rice Midstream Holdings LLC  
Contact Person Kyle Shirley  
Address 2200 Rice Dr  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Somerset  
Receiving Stream(s) and Classification(s) UNT to Center Branch Pigeon Ck (WWF); Center Branch Pigeon Ck (WWF); Opossum Run (HQ-WWF)  
Secondary—Center Branch Pigeon Ck (WWF); Pigeon Ck (WWF); Little Chartiers Ck (HQ-WWF)

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX12-125-0097 Major Modification  
Applicant Name Rice Drilling B LLC  
Contact Person Joseph Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) North Bethlehem Township  
Receiving Stream(s) and Classification(s) UNT (Trib 40781) to Daniels Run (TSF)

ESCGP-2 # ESX16-125-0007  
Applicant Name Rice Drilling B LLC  
Contact Person Joseph Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) West Pike Run Township  
Receiving Stream(s) and Classification(s) UNTs (Trib 39912, 39914 and nonIDd) to Pike Run (TSF)  
Secondary Pike Run

ESCGP-2 # ESX10-059-0029 Major Modification (non-expedited review)  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Road, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Washington Township  
Receiving Stream(s) and Classification(s) Petit Run (HQ-WWF), Garners Run (HQ-WWF), UNT to Bates Fork (HQ-WWF), and Bates Fork (HQ-WWF)  
Secondary South Fork Ten Mile Creek

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX13-019-0044A—Bloom Well Pad Major Modification  
Applicant R.E. Gas Development  
Contact Michael Endler  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Connoquenessing  
Receiving Stream(s) and Classification(s) UNT to Little Connoquenessing Creek CWF, Slippery Rock Watershed, Little Connoquenessing Creek

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-081-16-0030  
Applicant Name EXCO Resources PA LLC  
Contact Person Brian Rushe  
Address 260 Executive Dr, Suite 100  
City, State, Zip Cranberry Twp, PA 16066  
County Lycoming  
Township(s) Penn  
Receiving Stream(s) and Classification(s) Big Run (CWF)  
Secondary—Little Muncy Ck (CWF)

ESCGP-2 # ESX29-081-16-0029  
Applicant Name EXCO Resources PA LLC  
Contact Person Brian Rushe  
Address 260 Executive Dr, Suite 100  
City, State, Zip Cranberry Twp, PA 16066  
County Lycoming  
Township(s) Penn  
Receiving Stream(s) and Classification(s) Big Run (CWF)  
Secondary—Little Muncy Ck (CWF)

ESCGP-2 # ESG29-081-16-0032  
Applicant Name Seneca Resources Corporation  
Contact Person Douglas Kepler  
Address 5800 Corporate Dr, Suite 300  
City, State, Zip Pittsburgh, PA 15237  
County Lycoming  
Township(s) Gamble & Lewis  
Receiving Stream(s) and Classification(s) Glendenen Run (HQ-CWF); Mill Ck (EV)  
Secondary—Lycoming Ck (EV); Loyalsock Ck (EV)

ESCGP-2 # ESX29-081-16-0028  
Applicant Name EXCO Resources PA LLC  
Contact Person Brian Rushe  
Address 260 Executive Dr, Suite 100  
City, State, Zip Cranberry Twp, PA 16066  
County Lycoming  
Township(s) Penn  
Receiving Stream(s) and Classification(s) UNT to Sugar Run (CWF); Derr Run (CWF)  
Secondary—Sugar Run (CWF); Little Muncy Ck (CWF)

ESCGP-2 # ESG29-027-16-0003  
Applicant Name WPX Energy Appalachia LLC  
Contact Person Mark Colenbrander  
Address 6000 Town Center Blvd, Suite 210  
City, State, Zip Canonsburg, PA 15317  
County Centre  
Township(s) Snow Shoe  
Receiving Stream(s) and Classification(s) UNTs to Black Moshannon Ck (HQ-CWF); Black Moshannon Ck (HQ-CWF)  
Secondary—Black Moshannon Ck (HQ-CWF); Moshannon Ck (TSF)

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## SPECIAL NOTICES

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### Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 48-00076

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

Approval of a Reasonably Available Control Technology (RACT II) plan for **Calpine Corporation** located in Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Bethlehem Energy Center owned and operated by Calpine Corporation in Bethlehem, Northampton County.

<i>Source ID</i>	<i>Source</i>	<i>Pollutant</i>
	Site Level	NO <sub>x</sub>
GROUP 1	031 Unit 1 Turbine 032 Unit 2 Turbine 033 Unit 3 Turbine 035 Unit 5 Turbine 036 Unit 6 Turbine 037 Unit 7 Turbine C01 SCR C02 SCR C03 SCR C05 SCR C06 SCR C07 SCR	NO <sub>x</sub>

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *PA Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. 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 deter-

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit 48-00076 for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

#### *Proposed RACT*

Compliance with existing Title V Operating Permit restrictions assures compliance with the applicable provisions of 25 Pa. Code §§ 129.96—129.100 (RACT II).

Compliance with existing Title V Operating Permit restrictions, testing requirements, monitoring requirements, recordkeeping requirements, reporting requirements, work practice requirements, and additional requirements assures compliance with the applicable provisions of 25 Pa. Code §§ 129.96—129.100 (RACT II).

mines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of December 2016 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A-Stat Inspection Services	4 Versailles Circle Doylestown, PA 18901	Testing
Allied Inspection Services, Inc.	P.O. Box 651 Macungie, PA 18062	Testing
Clerkin Home Inspections, Inc.	424 Marion Avenue Lower Gwynedd, PA 19002	Testing
Raymond Fonos	1216 Edgewood Drive West Homestead, PA 15120	Testing
David Glick	2061 Kenbrook Road Lebanon, PA 17046	Testing
Lindsey Golubosky	681 E. Watson Street Bedford, PA 15522	Testing
Margie Gordon	125 Nevins Way Coatsville, PA 19320	Testing & Laboratory
JCN Radon Services	613 Zimmermans Hollow Road Sunbury, PA 17801	Mitigation
Steven Johnson Homechek, Inc.	526 Greenbriar Road York, PA 17404	Testing
Daniel Jones Alpha Detection & Control	6 Chestwood Drive Connellsville, PA 15425	Mitigation
Randy Knesnik	413 Long Meadow Road Milford, PA 18337	Mitigation
Eric Kraklio	69 Curtis Street Pittston, PA 18640	Testing
Bruce Lampe	9615 Derea Street Philadelphia, PA 19116	Testing
Karl May, Jr.	82 Walnut Street Wellsboro, PA 16901	Testing
Jocelyne Melton Baxter Group	941 Progress Road Chambersburg, PA 17201	Testing & Mitigation
Lloyd Scarborough	600 Valley Road Warrington, PA 18976	Testing
Thomas Poole Testing Services, Inc.	1844 Swatara Street Harrisburg, PA 17109	Testing & Mitigation
Timothy Quinn, Jr.	322 Mall Boulevard, # 303 Monroeville, PA 15146	Testing
David Scott Rawlings	8001 Roosevelt Blvd, Suite 310 Philadelphia, PA 19154	Testing
RHIS, Inc.	100 Old Kennett Road Willmington, DE 19807	Mitigation
Joel Schachter Precision Home Inspections, LLC	2901 Hemlock Farms Lords Valley, PA 18428	Testing
Edward Schluth	18 Farview Road Telford, PA 18969	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Matthew Shaw	721 Dempseytown Gresham Road Titusville, PA 16354	Testing
John Staz, III	1738 N. 3rd Street, Suite A Harrisburg, PA 17102	Mitigation
Matthew Steger	2133 Andrew Avenue Elizabethtown, PA 17022	Testing

**Drinking Water State Revolving Fund Special Notice**

**Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	1 Aqua Way White Haven, PA 18661	Chestnuthill Township Monroe County

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth’s State Revolving Fund, is intended to be the funding source for this project. Aqua Pennsylvania, Inc. is proposing significant rehabilitation of the existing Sun Valley water system. Proposed improvements consist of replacing the two existing storage tanks with a 10,000 gallon tank; replacing the well pump with no increase in capacity; constructing a new well house; replacing the chemical feed system for disinfection purposes; replacing corrosion control treatment facilities (pH adjustment and blended potassium phosphate addition); installing new discharge piping with necessary appurtenances; installing 36 LF of 30-inch diameter contact main; and replacing approximately 10,300 LF of distribution system main with all necessary appurtenances. The Department’s review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment for the proposed project.

**Conditional State Water Quality Certification for the Allegheny Lock and Dam # 2 Hydroelectric Project, FERC Project No. 13755**

**WQ05-002, FFP Missouri 12, LLC** (Applicant), 745 Atlantic Avenue, 8th Floor, Boston, MA 02111. Allegheny Lock & Dam # 2 Hydroelectric Project (Project). The proposed project is located at the existing Allegheny Lock & Dam # 2 facility, within the Allegheny River, at approximate river mile 6.7 (Pittsburgh East, PA USGS Topographic Quadrangle N: 40°, 29’, 22”; W: -79°, 54’, 49”), in Sharpsburg Borough and O’Hara Township, **Allegheny County**, Pittsburgh Corps District.

The Project, as proposed, will modify the existing lock and dam to construct a new intake channel, trash rack, powerhouse, tailrace channel, spillway, retaining wall, access road, parking area, substation and transmission line, in association with constructing a new, 17.0 MW hydroelectric facility, for the purpose of generating electricity. The Project, as proposed, will require approximately 7.44 acres of earth disturbance, and permanent impacts to approximately 250 linear feet of the Allegheny River (WWF, N). In addition, the confluence of Guyasuta

Run (WWF) with the Allegheny River will be relocated, downstream, by constructing an approximately 170 feet long extension of an existing, approximately 10’ high, concrete arch culvert. The extension will consist of a corrugated metal pipe arch, with a 17’ span and an 11’-2” rise. This project will also permanently impact approximately 2.85 acres of floodway, and approximately 2.24 acres of the floodway fringe.

On February 3, 2014, Applicant filed an application with the Federal Energy Regulatory Commission (FERC), seeking a Hydropower License for its Project (FERC Docket No. P-13755). The hydropower license application for this project may be viewed on FERC’s website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; P-13755). The Applicant is required, pursuant to section 401(a) of the Federal Clean Water Act (CWA) (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 CWA 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 CWA. 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 CWA.

On December 22, 2015, Applicant requested a state water quality certification from the Department, as required by Section 401 of CWA (33 U.S.C.A. § 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 CWA requirements.

The Department published notice of its proposed state water quality certification in 46 Pa.B. 3518 (July 2, 2016), and received zero (0) comments from the public.

By this notice, the Department certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of CWA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), and will not violate the Commonwealth’s water quality standards set forth in 25 Pa. Code Chapter 93, 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’s Water Quality Standards:

1. *Conditional State Water Quality Certification*—This conditional state water quality certification is based upon the information that is available, to date, due to the

FERC licensing process, and is granted with the understanding that the applicant will be submitting a final Environmental Assessment (EA) to the Department, to be reviewed and approved by the Department, prior to the start of construction. This final EA shall be submitted to the Department at the same time that the Applicant submits its application to the U.S. Army Corps of Engineers (USACE or Corps) for a Section 404 Permit, to facilitate a coordinated review between the Department and USACE. The final EA that is submitted to the Department must be developed from final design plans, specifications and reports.

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 CWA (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, from the Department, and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP), for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is outside the scope of work licensed under the Federal Power Act, pursuant to the Clean Streams Law (35 P.S. §§ 691.1—691.1001), 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.

4. *Submerged Lands License Agreement*—The Applicant shall obtain, from the Department, and comply with a Submerged Lands License Agreement, pursuant to Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, 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, the Applicant 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 Water Power and Water Supply Permits Act, 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*—During final design, the Applicant shall develop a water quality monitoring plan, to be implemented during the construction and operation of this project, and shall submit this plan to the Department for review and approval, prior to the start of construction, to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project. This water quality monitoring plan shall include adequate provisions to ensure that monitoring will assess any potential cumulative effect upon water quality, from the operation of all the currently proposed hydroelectric projects, within the greater Pittsburgh region. Thereafter, Applicant shall submit the results of the water quality monitoring to the Department, and the USACE, along with suggested modifications in the operation or maintenance of the Project for inclusion in the adaptive management plan, should adverse impacts to water quality result from the project.

8. *Operating Plan and Adaptive Management Plan*—The applicant will be developing an operating plan, Memorandum of Agreement, and an adaptive management plan with the USACE. Applicant will submit these plans to the Department for review and approval, prior to the start of construction, to evaluate potential effects of these plans upon, and compliance with, state water quality standards.

9. *Final Project Design Development*—During final design, applicant shall evaluate alternative designs for the proposed Project that may have the potential to reduce expected fish entrainment and mortality, such as, but not limited to, reducing and/or modifying the proposed 5-inch trash rack spacing, intake channel design, or other alternative designs, pursuant to Section 105.14(b)(4) and (6) of the Department's regulations, 25 Pa. Code § 105.13(e)(1)(viii) and § 105.14(b)(4) and (6). This alternatives analysis shall be included in the Applicant's final EA, to be submitted to the Department for review and approval, prior to the start of construction. The final design shall also take into account the cumulative impact evaluations associated with conditions (10) and (11).

10. *Cumulative Impacts to Fish Populations*—Since the project is one of several, currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, the applicant, during final design, shall further evaluate the cumulative impacts from these hydroelectric projects, upon area fish populations, due to expected fish entrainment and mortality. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

11. *Cumulative Impacts to Mussel Populations*—Since the Project is one of several currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, the applicant shall further evaluate, during final design, the cumulative impacts from these hydroelectric projects, upon local mussel populations, due to potential unavailability of host fish from expected fish entrainment and mortality. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

12. *Minimum By-pass Flows*—Project shall provide year-round by-pass flows, across the length of the dam, through the proposed crest gates, during the operation of the Project, to provide aeration and protect water quality,

and to provide additional habitat diversity. During the final design, Applicant shall further evaluate the amount of by-pass flows necessary for the purposes of protection of public health, water quality control, conservation of fisheries, and aquatic habitat, improvement of recreation, and protection of instream and downstream water uses. Applicant shall provide this evaluation to the Department, within its final EA, for the Department's review and approval, prior to the start of construction.

13. *Higher Pool Elevation*—During the final design, since the pool elevation will be stabilized at a higher elevation with the proposed crest gates, Applicant shall evaluate the potential threats of the higher pool elevation upon the following, which shall include but not be limited to, property, riparian rights, existing wetlands and other aquatic habitats, and fishing access.

14. *Aids to Navigation (ATON) Plan*—Applicant shall develop an ATON Plan, to avoid or minimize impacts to recreational boating. This plan must be reviewed and approved by the PA Fish and Boat Commission (PFBC), prior to the start of construction. Please contact the PA Fish and Boat Commission, PO Box 67000, Harrisburg, PA 17106, regarding the requirements for an ATON Plan.

15. *Hydraulic Modeling*—Applicant has indicated that additional hydraulic modeling will be conducted during Final Design. The results of this additional hydraulic modeling shall be included in the applicant's final EA that is to be submitted to the Department, for the Department to review and approve. In addition, the Applicant shall provide an evaluation of potential impacts upon the habitat in the vicinity of Six Mile Island and the potential for increased erosion of this island, and a plan to address any potential habitat and erosion impacts. Alternative designs may need to be considered, to avoid or minimize any adverse environmental impacts that arise during this additional modeling and evaluation. Mitigation may be required to compensate for any adverse environmental impacts that cannot be avoided.

16. *Programmatic Agreement*—Applicant shall comply with the Final Programmatic Agreement Between the Federal Energy Regulatory Commission and the Pennsylvania State Historic Preservation Office for Managing Historic Properties that may be Affected by Issuing an Original License to FFP Missouri 12, LLC for the Construction, Operation, and Maintenance of the Allegheny Lock and Dam 2 Hydroelectric Project Located in Allegheny County, Pennsylvania (FERC No. 13755-002).

17. *Riparian Property*—Within its final EA, Applicant shall submit evidence that it has obtained notarized and signed releases, or has acquired rights of occupancy and use other than fee title, from the owners of any affected riparian property. With respect to a proposed extension of the existing Guyasuta Run stream enclosure, Applicant shall provide either proof of title or easement, in accordance with the requirements of Section 105.191(7) of the regulations, 25 Pa. Code § 105.191.7.

18. *Fish & Mussel Surveys and Mitigation*—The Project footprint will reduce riverine habitat below the dam by approximately 2.75 acres, and approximately 7.44 acres will be disturbed during construction. In addition, Applicant acknowledges that the project could potentially alter some mussel habitat conditions through changes in velocity and scour patterns downstream of the dam, and due to changes in water depth upstream of the dam. Accordingly, fish and mussel surveys shall be conducted three (3) years after project construction, to evaluate the project's impact to fish and mussel species in the project

area. The plans for these surveys shall be included within the Applicant's final EA, for the Department's review and approval. In addition, the results of these surveys shall be submitted to the Department for review, within 60 days of completion of these surveys. If the results of these surveys indicate an adverse environmental impact to fish and mussels in the project area, Applicant shall develop a remediation plan to eliminate or reduce the adverse environmental impact. In addition, the applicant may have to provide compensation for the adverse environmental impact.

19. *Cumulative Environmental Impact Assessment*—The Project is one of several, currently proposed hydroelectric projects in the Ohio, Monongahela, and Allegheny Rivers, within the greater Pittsburgh area river basins. Fish species, such as walleye, smallmouth bass, darters, etc., inhabit the area that can exhibit some migratory behavior, and could pass through multiple hydroelectric projects. In addition, the Applicant's Fish Entrainment Study reports mortality to fish species, such as catfish, walleye, drum, darters and bass, that are more likely to be host fish that are important to mussel propagation. Accordingly, Applicant shall develop a plan to conduct fish and mussel surveys, after the construction of all, or at least 50%, of the currently proposed hydroelectric projects, to evaluate the potential for cumulative impacts to area fish and mussel populations. This plan shall be included with the Applicant's final EA, for the Department's review and approval. If the results of these surveys indicate an adverse environmental impact to fish and mussels in the project area, Applicant shall develop a remediation plan to eliminate or reduce the adverse environmental impact. In addition, the Applicant may have to provide compensation for the adverse environmental impact.

20. *Clean Water Program Coordination*—Applicant shall evaluate the cumulative impacts of lowering Dissolved Oxygen (DO) concentration below existing levels on overall water quality. This analysis shall include an evaluation of the effects of lower DO levels on other dischargers, whose dissolved oxygen analysis could be impacted by any reduction in DO due to the proposed project. The Applicant shall include, within its final EA to be submitted to the Department, a full analysis depicting the pre- and post-construction dissolved oxygen using a Q7-10 flow, and achieving a 7-day average of 5.5 mg/l and a minimum of 5.0 mg/l at the project site, and all points potentially impacted downstream of the project, in accordance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the regulations promulgated thereunder, and 25 Pa. Code § 93.7.

21. *Water Quality Requirements*—The project must maintain the applicable water quality standard of a 7-day average DO concentration of 5.5 mg/l and a minimum DO concentration of 5.0 mg/l, at Q7-10 low flow conditions, unless the analysis required by the preceding condition indicates that a higher DO level is needed to maintain the DO water quality standard within the Emsworth Pool given consideration of all existing, permitted dischargers currently within the pool in accordance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

22. *Stream and Habitat Mitigation*—Since the Project will eliminate approximately 2.75 acres of riverine habitat, and will enclose an additional 344 feet of Guyasuta Run, Applicant shall include, within its final EA to be submitted to the Department, a plan to mitigate for this lost habitat, for the Department's review and approval.

23. *Fishing Access*—During final design, Applicant shall develop a plan to compensate for lost recreational fishing by providing angler access that is comparable to, or better than, current conditions. Applicant shall consider providing angler access that is close to normal water surface elevations and the water's edge, and adequately compensate for the footage of fishing access lost.

24. *Boater Safety*—Project will cause some boaters in the vicinity of the Silky's Crows Nest Marina to experience a stronger cross-current (increase of up to 2 feet/sec or 1.2 knots), under certain flow conditions. Accordingly, in its final EA, Applicant shall provide to the Department, and to the operator of the marina, an analysis of the effect the stronger cross-current might have on boat safety, for boaters in the vicinity of this marina. This analysis shall be completed by a hydrologist. In addition, Applicant shall provide a letter from the operator of this marina, commenting on this analysis.

25. *Fish Mitigation*—Since the project will impact fish, Applicant shall include, within its final EA to be submitted to the Department, a mitigation plan to compensate for this environmental impact, for the Department's review and approval.

26. *Fish and Mussel Salvage*—Applicant shall further develop its fish and mussel salvage plan to safely remove fishes and mussels from the project area that would otherwise be trapped behind the proposed coffer dams during the dewatering process. These fish and mussels should be relocated to areas outside of the project area.

27. *River Sediment Testing*—Applicant shall manage dredge material removed from the river in accordance with the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. §§ 6018.101—6018.1003 ("Solid Waste Management Act") and regulations promulgated thereunder. Permittee should contact the Facilities Chief, Waste Management Program, Southwest Regional Office, with questions regarding this requirement. The project shall be consistent with the Department's Management of Fill policy and the analytic requirements therein. If the testing reveals that the dredged material exceeds the requirements for unrestricted use as clean fill, then the Applicant shall arrange for off-site disposal of the dredged sediments, after applying for and obtaining approval from the Department's Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

28. *Threatened, Endangered and Special Concern Species*—The results obtained from utilizing the Pennsylvania Natural Diversity Inventory's Pennsylvania Natural Diversity Inventory (PNDI), and any determinations received from an appropriate jurisdictional agency during any associated consultations, are valid only for 2 years. Accordingly, Applicant must include new PNDI search results within its final EA, along with evidence of any necessary follow-up with the appropriate jurisdictional agency(s). In addition, PNDI search results and clearances must be current and valid, prior to the start of construction.

29. *Geotechnical Testing*—If a temporary road, drilling platform or other structure is needed to conduct any core boring drilling operations or geotechnical testing, within the Commonwealth's waterways, Applicant shall obtain a permit(s) or other authorization(s) from the Department, prior to conducting any core boring drilling operations or geotechnical testing.

30. *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 Section 91.34 of the regulations, 25 Pa. Code § 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>.

31. *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.

32. *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.

33. *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's 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. The new owner shall comply with the conditions of this certification, which shall remain in effect.

34. *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, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, and shall reference DEP File No. WQ05-002, APS ID # 888360, or Authorization No. 1103412.

35. *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.

36. *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.



37. *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.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 Environmental Hearing Board within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

#### **West Branch Schuylkill River TMDL; Revised**

The West Branch Schuylkill River TMDL, originally approved by the United States Environmental Protection Agency in April 2005, has been revised to reflect newer data and more accurately represent the current permitting activity in the watershed.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL, contact Bill Brown, Chief, TMDL Development Section, Water Quality Division, Department of Environmental Protection, Harrisburg, PA 17105-8774, 717-783-2951, Willbrown@pa.gov.

The TMDLs can be accessed through the DEP Website TMDL page linked here: <http://www.ahs.dep.pa.gov/TMDL/>. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users) and request that the call be relayed.

Written and Email comments will be accepted at the above addresses and must be received by February 16, 2017. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

[Pa.B. Doc. No. 17-65. Filed for public inspection January 13, 2017, 9:00 a.m.]

#### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

*Draft Technical Guidance Document:* Substantive Revision. *DEP ID:* 563-2504-407. *Title:* Bonding: Direct Submittal of Bonds. *Description:* The purpose of this guidance is to specify the process that should take place for operators to accomplish direct submittal of bonds to Harrisburg for approval. The guidance is being revised to include changes that have occurred in the forms and process since this guidance was last published.

*Written Comments:* Interested persons may submit written comments on this Draft Technical Guidance Document by Monday, February 13, 2017. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted to [ecomment@pa.gov](mailto:ecomment@pa.gov) or the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

*Contact:* Questions regarding this draft technical guidance document should be directed to Chris Yeakle, (814) 797-1191, [cyeakle@pa.gov](mailto:cyeakle@pa.gov).

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-66. Filed for public inspection January 13, 2017, 9:00 a.m.]

# DEPARTMENT OF HEALTH

## Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exceptions relates to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

*Facility Name*

Bryn Mawr Medical Specialists Surgery Center

*Regulation*

28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery)

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-67. Filed for public inspection January 13, 2017, 9:00 a.m.]

## Hospitals; Requests for Exceptions

The following hospital has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

*Facility Name*

Milton S. Hershey Medical Center

*Regulation*

28 Pa. Code § 107.61 (relating to written orders)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Chester County Hospital	2.2-2.6.2.6(1)	Toilet room or human waste disposal rooms (critical care patient care areas)	2014
Main Line Hospital Bryn Mawr	2.2-2.11.12.1	Waiting rooms (cesarean delivery suites)	2014
Milton S. Hershey Medical Center	3.1-3.2.3.1	General	2014
Thomas Jefferson University Hospital, Inc.	2.1-2.2.5.1	Location (hand-washing stations in the patient rooms)	2014
	2.1-2.2.6.1	General (patient toilet rooms)	2014
	2.1-2.2.6.2	Patient toilet rooms	2014
	2.1-2.2.6.3	Room features (patient toilet rooms)	2014
	2.2-2.11.2.2(2)	Space requirements (postpartum rooms)	2014
	2.2-2.12.3.2(1)(b)	General (baby holding nurseries)	2014
	2.2-2.12.6.12(1)	Environmental services rooms	2014
	2.2-2.2.2.2(a)	Clearances (space requirements)	2014

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
	2.2-2.2.2.7(2)(c)(i)	Toilets (patient bathing facilities)	2014
	2.2-2.2.2.7(2)(c)(ii)	Hand-washing sink (patient bathing facilities)	2014
UPMC Presbyterian Shadyside	2.1-2.6.1.1(2)	Hand-washing stations (administrative center or nurse stations)	2014
	2.2-2.2.2.1(1)	Capacity (medical/surgical nursing units)	2014
	2.2-2.2.2.2(2)(a)	Clearances (medical/surgical nursing units)	2014
	2.2-2.2.2.7(2)(b)(i)	Patient bathing facilities (medical/surgical nursing units)	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-68. Filed for public inspection January 13, 2017, 9:00 a.m.]

**Medical Marijuana Program; Adequate Temporary Regulations**

Notice is hereby given, under section 2109(b) of the Medical Marijuana Act (act) (35 P.S. § 10231.2109(b)), that the Department of Health has adopted adequate temporary regulations to initiate the Medical Marijuana Program under the act.

Interested persons are invited to submit written comments, suggestions or objections regarding this notice to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding this notice or who require an alternative format of this notice (for example, large print, audiotape, Braille) may do so by using the previous contact information, 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. 17-69. Filed for public inspection January 13, 2017, 9:00 a.m.]

out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, January 26, 2017, from 10 a.m. to 12 p.m. at the Health and Welfare Building, Room 129, 625 Forster Street, Harrisburg, PA 17120.

The SPBP Advisory Council will provide program guidance and recommendations to the SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and SPBP management.

For additional information, contact John Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact John Haines at the previously listed contact information, or for speech or hearing impaired persons contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without prior notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-70. Filed for public inspection January 13, 2017, 9:00 a.m.]

**Special Pharmaceutical Benefits Program Advisory Council Public Meeting**

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Listing of Licensed Infant Formula Sellers**

The WIC Program is a Federal program sponsored and funded by the United States Department of Agriculture (USDA) under section 17(d)(1) of the Child Nutrition Act of 1996 (42 U.S.C.A. § 1786(d)(1)), the Child Nutrition and WIC Reauthorization Act of 2004 (Pub.L. No. 108-265) and 7 CFR 246.1 (relating to general purpose and scope). Under 7 CFR 246.3(a) (relating to administration), the WIC Program is designed to provide nutritious foods to supplement the diets of certain low-income women, infants and children at nutritional risk. The Food and Nutrition Service (FNS) within the USDA has the responsibility for the administration of the WIC Program. Under 7 CFR 246.1, the USDA-FNS provides cash grants to state agencies to administer the WIC Program. The Department of Health (Department) is the State agency that has the responsibility for the operation of the WIC Program in this Commonwealth.

The Department, as the State agency for USDA-FNS in this Commonwealth, distributes nutritious foods, including infant formula, to WIC Program participants through a retail store food delivery system. Under 7 CFR 246.12(g) (relating to food delivery methods), the Department is required to authorize an appropriate number and distribution of WIC vendors to ensure the lowest practicable food prices consistent with adequate participant access to supplemental foods. As part of that responsibility under 7 CFR 246.12(g)(11), the Department is required to provide a list to all WIC authorized vendors of the names and addresses of licensed infant formula wholesalers, distributors and retailers, and infant formula manufacturers registered with the Food and Drug Administration (FDA) that provide infant formula.

The purpose of this notice is to provide a list of sellers of infant formula who are either: (1) registered with the Department of Agriculture or with the authorized agency in the state in which the seller is located and are,

therefore, deemed licensed by the Department; or (2) registered with the FDA. WIC authorized vendors must purchase infant formula to be sold to WIC participants from a seller on this list or from another WIC authorized vendor. Since WIC authorized vendors are authorized to sell and purchase infant formula within this Commonwealth, a WIC authorized vendor may purchase infant formula from another WIC authorized vendor. WIC authorized vendors are identifiable by the PA WIC decal located at the entrance of the vendor.

Pennsylvania WIC authorized vendors must maintain records of purchase for allowable foods and records used for Federal tax reporting purposes for a minimum of 2 years in accordance with 28 Pa. Code § 1105.3(a)(16) (relating to terms and conditions of participation). If a vendor is reviewed during a Formula Inventory Audit, the vendor will be required to submit authentic purchase records or invoices. The purchase records or invoices must identify the date of purchase and the name and address of the location where the purchase was made. No hand written receipts will be accepted.

Purchasing infant formula from a seller that is not registered either with the Department of Agriculture or with the authorized agency in the state in which the seller is located or registered with the FDA or that is not an active Pennsylvania WIC authorized vendor may result in disqualification from the WIC Program.

This notice is also available on the Vendor Assistant web site at <https://wic.health.state.pa.us/vendorassistant/>.

For more information, or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Jay Mast, Public Health Program Manager, Division of Quality Assurance and Program Integrity Section, Bureau of WIC, 7th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Pennsylvania Licensed Infant Formula Sellers  
October 29, 2016**

A & G Wholesale Cash and Carry 5323 West Jefferson Street Philadelphia, PA 19131 Expires: 04/25/2017	Abbott Nutrition 3300 Stelzer Road Columbus, OH 43219	ACME, Inc. # 8790 500 South Muddy Creek Road Denver, PA 17517 Expires: 03/06/2017
American Seaway/Riser Foods (Giant Eagle) 5300 Richmond Road Bedford, OH 44146 Expires: 01/31/2017	Bozzuto's, Inc. 275 Schoolhouse Road Cheshire, CT 06410 Expires: 06/30/2017	C & S Bethlehem 4930 Hanoverville Road Bethlehem, PA 18020 Expires: 01/23/2017
C & S Wholesalers 47 Old Ferry Road P.O. Box 821 Brattleboro, VT 05301 Expires: 12/31/2016	C & S York 4875 Susquehanna Trail York, PA 17406 Expires: 08/15/2017	DuBois Logistics, LLC (C & S) 891 Beaver Drive Dubois, PA 15801 Expires: 03/01/2017
Food Lion Distribution Center # 7 Lot 16 Commerce Avenue Greencastle, PA 17225 Expires: 01/03/2017	General Trading Co., Inc. 455 16th Street Carlstadt, NJ 07072 Expires: 03/31/2017	Giant Eagle, Inc./OK Grocery 755 Beechnut Drive Pittsburgh, PA 15205 Expires: 05/13/2017

Giant Food Stores, LLC  
1149 Harrisburg Pike  
Carlisle, PA 17013  
Expires: 3/31/2017

K & T Wholesale Distributor, Inc.  
161 East Hunting Park Avenue  
Philadelphia, PA 19124  
Expires: 09/30/2017

Lee's Wholesale & Distribution/Jetro  
700 Pattison Avenue  
Philadelphia, PA 19148  
Expires: 05/05/2017

Mead Johnson Nutritional Group  
2400 West Lloyd Expressway  
Evansville, IN 47721

Nestle USA  
12 Vreeland Road  
Box 697  
Florham Park, NJ 07932

Olean Wholesale  
P.O. Box 1070  
1587 Haskell Road  
Olean, NY 14760  
Expires: 12/31/2017

Shop N Save # 80123  
1906 Dailey Avenue  
Latrobe, PA 15605  
Expires: 04/30/2017

Tripifoods, Inc.  
1427 William Street  
Buffalo, NY 14206  
Expires: 01/13/2017

Wal-Mart DC # 6047  
181 Walmart Road  
Bedford, PA 15522  
Expires: 04/30/2017

Weis Distribution Center Warehouse  
Industrial Park  
Milton, PA 17847  
Expires: 09/30/2017

Jetro Cash & Carry  
700 Pattison Avenue  
Philadelphia, PA 19148  
Expires: 01/16/2017

Krasdale Foods—Bronx—NY  
400 Food Center Drive  
Bronx, NY 10474  
Expires: 12/31/2017

Line One Distributors, LLC  
118 Monmouth Avenue  
Lakewood, NJ 08701

Merchants Distributor's, LLC/MDI  
5005 Alex Lee Boulevard  
Hickory, NC 28601  
Expires: 12/31/2016

Nestle USA  
800 North Brand Boulevard  
Glendale, CA 91203

PBM Nutritionals, LLC  
P.O. Box 2109  
147 Industrial Park Road  
Georgia, VT 05468

Solus Products, LLC  
8910 Purdue Road, Suite 230  
Indianapolis, IN 46268

Wakefern Food Corporation  
600 York Street  
Elizabeth, NJ 07207

Wal-Mart DC # 6080  
100 Veterans Drive  
Tobyhanna, PA 18466  
Expires: 01/23/2017

Weis Markets, Inc.  
1000 South Second Street  
Sunbury, PA 17801  
Expires: 03/08/2017

K & J Wholesale, Inc.  
750 West Sedgley Avenue  
Philadelphia, PA 19140  
Expires: 01/23/2017

Laurel Grocery Warehouse  
Laurel Grocery Co., LLC  
129 Barbourville Road  
London, KY 40743  
Expires: 12/31/2016

Meaney Brothers  
470 Industrial Park Road  
Ebensburg, PA 15931  
Expires: 01/31/2017

MKT & A, Inc.  
2626 Penns Ridge Boulevard  
Easton, PA 18040  
Expires: 04/18/2017

Nutricia North America  
9900 Belward Campus Drive  
Suite 100  
Rockville, MD 20850

Ross Products—Abbott Laboratories  
625 Cleveland Avenue  
Columbus, OH 73215

Supervalu/ACME  
Distribution  
Center  
500 South Muddy Creek Road  
Denver, PA 17517  
Expires: 03/06/2017

Wal-Mart DC # 6027  
100 Walmart Drive  
Woodland, PA 16881  
Expires: 01/23/2017

Wegman's Retail Service Center  
820 Keystone Boulevard  
Pottsville, PA 17901  
Expires: 03/06/2017

Pennsylvania WIC authorized vendors displaying the red WIC logo on their entrance doors are also licensed infant formula sellers.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-71. Filed for public inspection January 13, 2017, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, February 3, 2017, from 10 a.m. to 3 p.m. in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. On average, 8,600 residents of this Commonwealth sustain long-term disabilities from brain injury each year. The Department of

Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Michael Yakum, Division of Child and Adult Health Services, (717) 772-2762, or for speech and/or hearing impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 17-72. Filed for public inspection January 13, 2017, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Nursing Facility Assessment Program for Fiscal Year 2016-2017

This notice announces the amount of the assessment that the Department of Human Services (Department) is implementing for Fiscal Year (FY) 2016-2017, provides an explanation of the assessment methodology that the Department is using in FY 2016-2017 and identifies the estimated aggregate impact on nursing facilities which will be subject to the assessment.

#### *Background*

Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Department to impose an annual monetary assessment on nursing facilities and county nursing facilities in this Commonwealth each fiscal year through FY 2016-2017. Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). See 62 P.S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Federal Centers for Medicare & Medicaid Services if necessary to implement the Assessment Program. See 62 P.S. § 812-A.

For each fiscal year that the Assessment Program is implemented, the code authorizes the Secretary of the Department (Secretary) to determine the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See 62 P.S. § 804-A. The code specifies that annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for Federal matching funds. See 62 P.S. § 804-A.

The Secretary must publish a notice in the *Pennsylvania Bulletin* before imposing an annual assessment for a fiscal year. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the

fiscal year. See 62 P.S. § 805-A. The annual aggregate assessment amount and assessment rate for the fiscal year must be approved by the Governor. See 62 P.S. § 804-A.

The Secretary published a notice at 46 Pa.B. 3352 (June 25, 2016) announcing the proposed assessment rates, the aggregate amount and the impact for FY 2016-2017. No comments were received by the Department in response to the proposed rates notice.

#### *Assessment Methodology and Rates for FY 2016-2017*

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2016-2017:

- (1) State owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

The Department will assess nonexempt nursing facilities at two rates. One rate will apply to four categories of nursing facilities: county nursing facilities; nursing facilities that have 44 or fewer licensed beds; qualified nursing facilities affiliated with Continuing Care Retirement Communities (CCRC) (see 40 Pa.B. 7297 (December 18, 2010)); and nursing facilities with an MA occupancy rate of at least 94% based on the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016, for each nursing facility as of April 22, 2016. The other rate will apply to all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010. Using the applicable rate, the Department will calculate an annual assessment amount for each nonexempt facility by multiplying its assessment rate by the facility's historical non-Medicare resident day for the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016, and collect the annual assessment amount in four equal quarterly installments.

Although the Department will maintain the same basic rate structure for FY 2016-2017, the Department is increasing the assessment rate for nonexempt nursing facilities in the higher rate tier from the rates in FY 2016-2017. For FY 2016-2017, the assessment rates for nonexempt nursing facilities will be as follows:

- (1) For county nursing facilities, for nursing facilities that have 44 or fewer licensed beds, for qualified CCRC nursing facilities and nursing facilities with an MA occupancy rate of at least 94% based on the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016, for each nursing facility as of April 22, 2016, the assessment rate will be \$8.01 per historical non-Medicare resident day.
- (2) For all other nonexempt nursing facilities, the assessment rate will be \$32.10 per historical non-Medicare resident day.

Assessment payments are due the last day of the assessment quarter or 30 days after publication of this second notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcasemixinformation/index.htm>.

*Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$506.472 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

*Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1109. (1) General Fund; (2) Implementing Year 2016-17 is \$506,472,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year

2021-22 are \$0; (4) 2015-16 Program—\$968,083; 2014-15 Program—\$810,545; 2013-14 Program—\$820,409; (7) MA—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-73. Filed for public inspection January 13, 2017, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**State Transportation Innovation Council Meeting**

The State Transportation Innovation Council will hold its quarterly business meeting on Tuesday, January 31, 2017, from 10 a.m. to 1 p.m. in Conference Room 112, PEMA Headquarters Building, 1310 Elmerton Avenue, Harrisburg, PA. For more information, contact Danielle Klinger-Grumbine, (717) 787-9880, dklinger@pa.gov.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 17-74. Filed for public inspection January 13, 2017, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-6803	State Board of Examiners in Speech-Language Pathology and Audiology Fees; General Revisions 46 Pa.B. 6853 (October 29, 2016)	11/28/16	12/28/16

**State Board of Examiners in Speech-Language Pathology and Audiology Regulation # 16A-6803 (IRRC # 3159)**

**Fees; General Revisions  
December 28, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the October 29, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Examiners in Speech-Language Pathology and Audiology (Board) to respond to all comments received from us or any other source.

**1. Whether the regulation is consistent with the intent of the General Assembly; Fiscal impact.**

The Speech-Language and Hearing Licensure Act was amended by Act 106 of 2014 (Act 106). Act 106 changed

the name of the aforementioned Act to the Speech-Language Pathologists and Audiologists Licensure Act (Act). 63 P.S. §§ 1701—1719. The 2014 legislation made numerous changes to the Act, including the addition of provisional licenses for speech-language pathologists and audiologists.

This rulemaking will add three fees and increase two fees. The three new fees are necessitated by changes to the Act. The two fee increases are needed because the Board believes a deficit will occur if revenues are not increased. For FYs 2015-2016 and 2016-2017, the Board projects a \$94,000 deficit. The deficit is expected to grow to \$184,000 for FYs 2022-2023 and 2023-2024. The Board states that the new fee structure will allow it to “continue a positive balance for at least 10 years.”

As noted in the Preamble, Section 8(a) of Act (63 P.S. § 1708(a)) “requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not

sufficient to meet expenditures *over a two-year period.*" (Emphasis added.) The Board has provided a fiscal analysis of the additional revenue it expects the new fees and fee increases to produce each year. However, a similar analysis was not provided for expected expenditures for each year. In order for this Commission to determine if the Board is in compliance with Section 8(a) of the Act, we ask the Board to provide a more detailed comparison of expected revenues and expenses for each of the next 10 fiscal years. We are specifically interested in the projected expenses for each year during this time period.

### **2. Section 45.2. Definitions.—Clarity.**

As part of this rulemaking, the Board is adding and amending regulatory definitions to align with the statutory changes made by Act 106. We have three concerns. First, to ascertain the entire meaning of the terms "practice of audiology" and "practice of speech-language pathology," a person would have to read both the statutory definition and the regulatory definition of those terms. We believe the clarity of the regulation would be improved if the regulatory definitions of these terms were expanded to include the meaningful provisions of the statutory definitions.

Second, the Pennsylvania Speech-Language Hearing Association submitted comments suggesting that references to documents produced by the American Speech-Language Hearing Association (ASHA) found under Clause (i)(A) of the definition of "practice of audiology" and Subparagraph (xi) of the definition of "practice of speech-language pathology" are outdated. They note that ASHA updated the referenced documents after these proposed regulations were adopted by the Board. We agree with PSHA's suggestion to update the references in the final-form regulation.

Third, Act 106 added a definition for the term "neurophysiologic intraoperative monitoring." Since this term is used throughout this proposal, we suggest that a regulatory definition be added to this section of the regulation.

### **3. Section 45.12. Licensure application procedures.—Clarity.**

Subsection (a) requires an applicant for licensure to submit the required fees, a completed, signed and dated application and "applicable documentation." We recommend that the final-form regulation specify what documentation needs to be submitted with the application.

### **4. Section 45.14. Reactivation of licensure status.—Clarity.**

Under Subsection (a), a licensee wishing to reactivate a license must apply for reactivation, pay the registration fee and submit a "verification of nonpractice in this Commonwealth." What is a "verification of nonpractice?" We ask the Board to clarify in the regulation what this is and how it is to be submitted to the Board.

### **5. Section 45.20. Supervised professional experience.—Clarity.**

The Preamble states that audiology students complete their supervised professional experience during their last year of their doctoral degree programs. This statement implies that this section would not apply to audiologist applicants seeking licensure from the Board. To improve the clarity of the rulemaking, we suggest that the final-form regulation specify that this section only applies to speech-language pathologist applicants seeking licensure from the Board.

### **6. Section 45.22. Foreign-trained applicants.—Reasonableness; Clarity.**

This section is being amended to reflect the different educational requirements for speech-language pathologists and audiologists. The Board is also deleting the requirement that foreign-trained applicants pass a licensure examination. What is the reason for deleting this requirement? Are the health, safety and welfare of Pennsylvania citizens adequately protected if this provision is deleted from the regulation? We ask the Board to explain its rationale for this deletion in the Preamble to the final-form rulemaking.

### **7. Section 45.23. Provisional licenses.—Clarity.**

Under Subsection (d), a speech-language pathologist who was issued a provisional license under Subsection (a)(1)(ii) may seek an extension of the provisional license. The rulemaking does not include a similar provision for audiologists that were issued provisional licenses under Subsection (a)(2)(ii). Would an audiologist with a provisional license issued under Subsection (a)(2)(ii) be eligible to seek an extension of that license? If so, we suggest that Subsection (d) be amended to reflect that fact.

### **8. Section 45.103. Unprofessional conduct.—Reasonableness; Implementation procedures; Clarity.**

The Board proposes to add Paragraph (24) to the list of types of conduct it considers to be unprofessional. This paragraph leads as follows: "Failing to utilize universal precautions or proper infection control methods." The Preamble explains that this language is modeled after the Center for Disease Control's recommendation for all health care providers as well as standards from other professional organizations. We do not question the need for this provision; however, we believe it lacks clarity. Since unprofessional conduct could lead to fines, suspensions or a revocation of one's license, we believe the regulated community would benefit from a more precise standard. We ask the Board to include in the final-form regulation a more definitive explanation of what precautions and infection control methods would be acceptable.

GEORGE D. BEDWICK,  
Chairperson

[Pa.B. Doc. No. 17-75. Filed for public inspection January 13, 2017, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Woodland Park Rehab Center, LLC**

Woodland Park Rehab Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Woodland Park Rehab Center in Orbisonia, PA. The initial filing was received on December 27, 2016, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and tele-



phone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 17-76. Filed for public inspection January 13, 2017, 9:00 a.m.]

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### Geisinger Health Plan (GSHP-130839268); Small Group Transitional; Rate Filing

Geisinger Health Plan submitted a rate filing to increase the base rates for its Small Group Transitional policies renewing on and after June 1, 2017. The filing proposes a rate increase of 5.2% and will affect approximately 3,600 members. The proposed rate increase will generate approximately \$1.3 million of additional revenue.

Unless formal administrative action is taken prior to March 29, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Other Health Rate Filings" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 17-77. Filed for public inspection January 13, 2017, 9:00 a.m.]

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### Geisinger Quality Options (GSHP-130839252); Small Group Transitional; Rate Filing

Geisinger Quality Options submitted a rate filing to increase the base rates for its Small Group Transitional policies renewing on and after June 1, 2017. The filing proposes an average rate increase of 0.3%, ranging from 0% to 3.2% depending on the renewal quarter and will affect approximately 14,600 members. The proposed rate increase will generate approximately \$258,000 of additional revenue.

Unless formal administrative action is taken prior to March 29, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Other Health Rate Filings" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 17-78. Filed for public inspection January 13, 2017, 9:00 a.m.]

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### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Adraine Chadwick; File No. 16-119-200890; CSAA General Insurance Company; Doc. No. P16-10-003; February 6, 2017, 1 p.m.

Appeal of Marissa Doremus; File No. 16-188-204459; GEICO Casualty Company; Doc. No. P16-12-019; February 6, 2017, 3 p.m.

Appeal of Robert and Alina Taylor; File No. 16-115-203552; State Farm Mutual Automobile Insurance Company; Doc. No. P16-12-003; February 7, 2017, 9 a.m.

Appeal of Ebony L. Washington; File No. 16-115-201932; State Farm Fire and Casualty Company; Doc. No. P16-12-002; February 7, 2017, 10 a.m.

Appeal of Gary Gray; File No. 16-116-199530; State Farm Mutual Automobile Insurance Company; Doc. No. P16-09-001; February 7, 2017, 11 a.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at a hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in a hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-79. Filed for public inspection January 13, 2017, 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 Monday, January 23, 2017.

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. 17-80. Filed for public inspection January 13, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 30, 2017. 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-2016-2579012. Jennifer L. Peed, t/a JL Peed** (1524 Jonathan Road, West Chester, Chester County, PA 19380) in paratransit service, limited to persons whose personal convictions prevent them from owning or operat-

ing motor vehicles, from points in the Counties of Chester and Lancaster, to points in Pennsylvania, and return.

**A-2016-2581568. Omelnor, Inc., t/a Pleasant Limousine** (295 Pamela Circle, Harleysville, Montgomery County, PA 19438) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Montgomery County, to points in Pennsylvania, and return.

**A-2017-2582463. Safeguard Transportation, LLC** (6787 Market Street, Upper Darby, Delaware County, PA 19082-1848) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Chester, Delaware, Montgomery and Philadelphia, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2016-2576315. Mooster's Hauling, LLC, t/a College Hunks Hauling Junk and Moving of Kennett Square** (326 West Cedar Street, Suite 4, Kennett Square, Chester County, PA 19348) household goods in use, from points in the Counties of Berks and Chester, to points in the Counties of Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Montgomery and York, and the City and County of Philadelphia. *Attorney:* Lewis P. Hannah, 1420 Walnut Street, Suite 815, Philadelphia, PA 19102.

**A-2016-2581534. Benjamin Leo Fisher, t/a Ben the Mover Guy** (5151 Brown Street # 2F, P.O. Box 9412, Philadelphia, Philadelphia County, PA 19139) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2016-2581560. New Horizon Movers, LLC, t/a James Moving and Storage** (206 9th Street, McKeesport, Allegheny County, PA 15132) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2016-2582108. Moving Ahead Services, LLC** (201 Penn Center Boulevard, Suite 400, Willoughby, OH 44094) household goods in use, between points in Pennsylvania.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2016-2580024. Eugene M. Strehl and Richard J. Taylor, Copartners, t/d/b/a Bradley Moving & Storage and t/d/b/a Bob Bradley and Son** (505 Babylon Road, Ambler, Montgomery County, PA 19002) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, at A-00108600, authorizing the transportation of household goods in use, from points in the City and County of Philadelphia and from points in said city and county to points within an airline distance of 20 statute miles of the limits of said city and county, and between points in the Counties of Philadelphia, Delaware, Chester, Montgomery

and Bucks, included within a line which connects the boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-81. Filed for public inspection January 13, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due January 30, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, PO Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Andrew Kronfeld; Docket No. C-2016-2576597

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Andrew Kronfeld, (respondent) is under suspension effective November 09, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 46 Moredon Road, Huntingdon Valley, PA 19006.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 25, 2016, at A-8919065.
4. That respondent has failed to maintain evidence of both Cargo insurance and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public

Convenience held by respondent at A-8919065 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/22/16

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@puc.gov](mailto:RA-PCCmplntResp@puc.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current

insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Ference Masonry Construction, Inc.; Docket No. C-2016-2577550**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Ference Masonry Construction, Inc., (respondent) is under suspension effective November 05, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1527 Barnes Avenue, South Park, PA 15129.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 08, 2010, at A-8912616.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8912616 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11-30-16

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 17-82. Filed for public inspection January 13, 2017, 9:00 a.m.]

### Transfer by Sale

**A-2016-2581746. PECO Energy Company.** Application of PECO Energy Company for approval of the transfer by sale to Perkiomen Township of street lighting facilities located in Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 30, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Applicant:* PECO Energy Company

*Through and By Counsel:* Michael S. Swerling, Esquire,  
 Assistant General Counsel, 2301 Market Street, S23-1,  
 P.O. Box 8699, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 17-83. Filed for public inspection January 13, 2017, 9:00 a.m.]

### Transfer by Sale

**A-2017-2582514. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation for approval of the transfer by sale to the Township of Cumru of electric facilities located in Cumru Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 30, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Amy E. Hirakis, Esquire,  
 PPL Electric Utilities Corporation, Two North Ninth  
 Street, Allentown, PA 18101

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 17-84. Filed for public inspection January 13, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Request for Proposals

The Philadelphia Parking Authority will release a Request for Proposals No. 16-34, Debt Collection Law Firm Services, on Friday, January 13, 2017. Information and important dates for this solicitation can be obtained from the web site [www.philapark.org](http://www.philapark.org) or by calling Mary Wheeler at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-85. Filed for public inspection January 13, 2017, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Katie E. Achenbach; Doc. No. 0365-45-15

On September 16, 2016, Katie E. Achenbach, cosmetology license No. CO250742, last known of Leesport and Reading, Berks County, was assessed a \$500 civil penalty based on her having practiced cosmetology without a current and active license.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 17-86. Filed for public inspection January 13, 2017, 9:00 a.m.]

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### Bureau of Professional and Occupational Affairs v. Leeann Witman; Doc. No. 0434-45-16

On November 10, 2016, Leeann Witman, cosmetology license No. CO269192, last known of Hershey, Dauphin County, was indefinitely suspended until she completes her criminal probation based on her felony convictions.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 17-87. Filed for public inspection January 13, 2017, 9:00 a.m.]

## STATE BOARD OF CRANE OPERATORS

### Bureau of Professional and Occupational Affairs v. Michael Schultz, LCO; Doc. No. 0990-71-16; File No. 15-71-12812

On December 6, 2016, Michael Schultz, LCO, license No. LCO004416, of Centre Hall, Centre County, was indefinitely suspended for no less than 2 years retroactive to May 19, 2016, because he violated the terms of probation imposed by a prior order of the State Board of Crane Operators.

Individuals may obtain a copy of the order by writing to Thomas A. Blackburn, Board Counsel, State Board of Crane Operators, P.O. Box 69523, Harrisburg, PA 17105-2649.

RAYMOND A. FEIDT,  
*Chairperson*

[Pa.B. Doc. No. 17-88. Filed for public inspection January 13, 2017, 9:00 a.m.]

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## STATE BOARD OF NURSING

### Automatic Suspension of the License to Practice of Billie Freeman Caffo, RN; Doc. No. 1090-51- 16; File No. 16-51-01216

On June 8, 2016, Billie Freeman Caffo, RN, license No. RN545083, last known of Wellsboro, Tioga County, was issued a notice and order of automatic suspension based on her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the automatic suspension by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-89. Filed for public inspection January 13, 2017, 9:00 a.m.]

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### Automatic Suspension of the License to Practice of Aaron Starr Gearhart, LPN; Doc. No. 1654-51- 15; File No. 14-51-09898

On August 8, 2016, Aaron Starr Gearhart, LPN, license No. PN274993, last known of New Cumberland, Cumberland County, was indefinitely suspended retroactive to October 21, 2015, and assessed \$700 in costs of investigation, based on being unable to practice with reasonable

skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the automatic suspension by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-90. Filed for public inspection January 13, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Melissa Ann Wade, LPN; Doc. No. 2093-51-15;  
File No. 14-51-07927**

On November 4, 2016, Melissa Ann Wade, LPN, license No. PN094018L, last known of Reading, Berks County, was indefinitely suspended based on being convicted of a misdemeanor crime of moral turpitude.

Individuals may obtain a copy of the automatic suspension by writing to Carole Clarke Smith, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-91. Filed for public inspection January 13, 2017, 9:00 a.m.]

**STATE BOARD OF VEHICLE  
MANUFACTURERS,  
DEALERS AND  
SALESPERSONS**

**Bureau of Professional and Occupational Affairs v.  
PA Auto Group Enterprises Corp.; Doc. No.  
2242-60-16; File No. 16-60-13966**

On December 7, 2016, PA Auto Group Enterprises Corp., license No. VD027147, of Manheim, Lancaster County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 69523, Harrisburg, PA 17105-2649.

DANIEL A. SALTZGIVER,  
*Chairperson*

[Pa.B. Doc. No. 17-92. Filed for public inspection January 13, 2017, 9:00 a.m.]

**SUSQUEHANNA RIVER  
BASIN COMMISSION**

**Public Hearing**

The Susquehanna River Basin Commission (Commission) will hold a public hearing on February 2, 2017, at 2:30 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 9, 2017, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is February 13, 2017.

For further information contact Jason Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Resource Portal at [www.srbcc.net/wrp](http://www.srbcc.net/wrp). Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbcc.net/pubinfo/docs/2009-02\\_Access\\_to\\_Records\\_Policy\\_20140115.pdf](http://www.srbcc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf).

*Supplementary Information*

The public hearing will cover the following projects:

*Projects Scheduled for Action*

1. Project Sponsor and Facility: Anadarko E&P Onshore, LLC (West Branch Susquehanna River), Nippenose Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20130301).

2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20121202).

3. Project Sponsor and Facility: Crossgates Golf Course, Manor Township and Millersville Borough, Lancaster County, PA. Application for renewal of consumptive water use of up to 0.300 mgd (peak day) (Docket No. 19910515).

4. Project Sponsor and Facility: Crossgates Golf Course (Conestoga River), Manor Township and Millersville Borough, Lancaster County, PA. Application for renewal of surface water withdrawal of up to 0.300 mgd (peak day) (Docket No. 19910515).

5. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.

6. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.

7. Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course (Boiling Springs Run), Kimmel Township, Bedford County, PA. Application for surface water withdrawal of up to 0.090 mgd (peak day).

8. Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course, Kimmel Township, Bedford County, PA. Application for consumptive water use of up to 0.090 mgd (peak day).

9. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Application for modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and to revise the passby to be consistent with current Commission policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

10. Project Sponsor: Pennsylvania Department of Environmental Protection—Southcentral Regional Office, City of Harrisburg, Dauphin County, PA. Facility Location: Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.173 mgd (30-day average) from Hollander Well.

11. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (First Fork Sinnemahoning Creek), Wharton Township, Potter County, PA. Application for renewal of surface water withdrawal of up to 0.231 mgd (peak day) (Docket No. 20121222).

12. Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, PA. Application for consumptive water use of up to 0.087 mgd (peak day).

13. Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, PA. Application for groundwater withdrawal of up to 0.087 mgd (30-day average) from Borehole 1 (BH-1).

14. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, PA. Modification to remove pumping restriction for March and April for previously approved groundwater withdrawal (Docket No. 20050301).

15. Project Sponsor and Facility: SWEPI, LP (Pine Creek), Pike Township, Potter County, PA. Application for renewal of surface water withdrawal of up to 0.936 mgd (peak day) (Docket No. 20130313).

16. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Minor modification to add new sources (Wells PW-1 and PW-6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

17. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW-1.

18. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW-6.

19. Project Sponsor and Facility: Talisman Energy USA, Inc. (Sugar Creek), West Burlington Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130310).

20. Project Sponsor and Facility: West Manchester Township Authority, West Manchester Township, York County, PA. Application for reactivation of a previously approved groundwater withdrawal at a reduced rate of up to 0.216 mgd (30-day average) from Well 7.

21. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Manchester Township, York County, PA. Application for renewal of consumptive water use of up to 0.999 mgd (peak day) and addition of collected stormwater as an approved source for consumptive use (Docket No. 19860902).

*Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any project listed previously. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing will be posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any project listed previously may also be mailed to Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788 or submitted electronically through [www.srbc.net/pubinfo/publicparticipation.htm](http://www.srbc.net/pubinfo/publicparticipation.htm). Comments mailed or electronically submitted must be received by the Commission on or before February 13, 2017, to be considered.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* December 29, 2016.

ANDREW D. DEHOFF,  
*Executive Director*

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