

# PENNSYLVANIA BULLETIN

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Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Public Welfare

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Environmental Hearing Board

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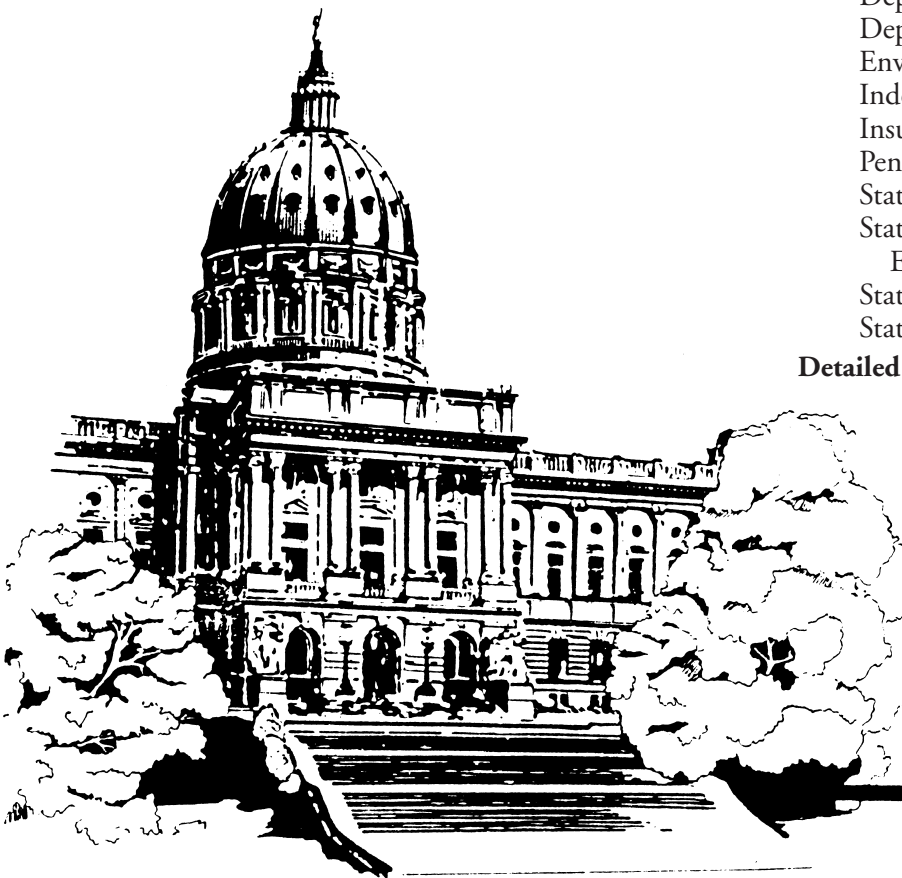
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 463, June 2013**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

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# THE GENERAL ASSEMBLY

## Recent Actions during 2013 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2013 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2013 General Acts of Regular Session Enacted—Act 001 through 011</b>					
001	Feb 20	SB0187	PN0238	Immediately	Institution of Higher Education Monetary Penalty Endowment Act—enactment
002	Apr 18	SB0066	PN0197	Immediately	Community and Economic Development Enhancement Act—omnibus amendments
003	Apr 25	HB0002	PN0537	Immediately	Public School Code of 1949—omnibus amendments
004	May 6	SB0808	PN0837	Immediately	The County Code—abolishment of jury commissioner
005	May 15	SB0302	PN0892	60 days	Military and Veterans Code (51 Pa.C.S.)—county directors of veterans' affairs
006	May 15	SB0436	PN0884	Immediately	Pennsylvania Election Code—Voting Standards Development Board
007	May 15	SB0623	PN0951	60 days	Game and Wildlife Code (34 Pa.C.S.)—license requirements and unlawful acts concerning licenses
008	May 21	HB0124	PN0742	Immediately	Industrialized Housing Act—omnibus amendments
009	May 21	HB0583	PN0645	Immediately	Health and Safety (35 Pa.C.S.)—powers and duties of Pennsylvania Emergency Management Agency and disbursement of fund amounts by agency
010	May 21	SB0005	PN0967	90 days	Community-Based Health Care Act—enactment
011	May 23	HB0349	PN0356	60 days	William Raymond Prom Memorial Bridge—designation

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

VINCENT C. DELIBERATO, Jr.,  
Acting Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 13-1105. Filed for public inspection June 21, 2013, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

Amendment of Rule 701 of the Rules of Judicial Administration; No. 411 Judicial Administration Doc.

### Order

*Per Curiam*

And Now, this 10th day of June, 2013, the proposal having been submitted without publication in the interests of justice and efficient administration, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 701 of the Pennsylvania Rules of Judicial Administration is amended in the following form.

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

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 7. ASSIGNMENT OF JUDGES

##### ASSIGNMENT AND TRANSFER OF JUDGES

##### Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

(1) To be eligible for senior certification, a magisterial district [ **justice** ] **judge**, judge or justice:

(a) shall have served as a magisterial district [ **justice** ] **judge**, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling [ **a full term of office** ] **ten years**;

(b) shall not have been defeated for reelection or retention; and

(c) shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least [ **eighty** ] **seventy for magisterial district judges or at least eighty for judges and justices**. However, this subsection (c) shall not apply to those serving in senior status as of the effective date of this rule.

\* \* \* \* \*

[Pa.B. Doc. No. 13-1106. Filed for public inspection June 21, 2013, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 3, 9 AND 15 ]

Order Amending Rules 313, 901 and 1516 and Adopting Rule 1573 of the Rules of Appellate Procedure; No. 232 Appellate Procedural Rules Doc.

### Order

*Per Curiam*

And Now, this 4th day of June, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 42 Pa.B. 1360 (March 17, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Appellate Procedure 313, 901 and 1516 are amended and that proposed new Rule 1573 of the Pennsylvania Rules of Appellate Procedure is adopted, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective July 4, 2013.

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

##### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE I. PRELIMINARY PROVISIONS

##### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

##### INTERLOCUTORY APPEALS

##### Rule 313. Collateral Orders.

\* \* \* \* \*

**Official Note:** Rule 313 is a [ **codification** ] **codification** of existing case law with respect to collateral orders. *See* [ **Pubar** ] **Pugar v. Greco**, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)). Examples of collateral orders include [ **an order denying a pre-trial motion** ] **orders denying pre-trial motions** to dismiss based on double jeopardy **in which the court does not find the motion frivolous**, *Commonwealth v. Brady*, 510 Pa. [ **363** ] **336**, 508 A.2d 286, 289—91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court [ **makes a finding that motion is not frivolous** ]; [ **does not make a finding of frivolousness** ]; **if the trial court finds the motion frivolous, the defendant may secure review only by first filing a petition for review under Pa.R.A.P. 1573. See Commonwealth v. Orié**, 22 A.3d 1021 (Pa. 2011). Other examples of collateral orders are an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989

(1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: Darlington, McKeon, Schuckers and Brown, 1 Pennsylvania Appellate Practice Second Edition, §§ 313:1—313:201 (1994) and Byer, *Appealable [orders] Orders* under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts (PBI No. 1994-869); Pines, Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction, 91 Dick.L.Rev. 55, 107—115 (1986).

\* \* \* \* \*

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 9. APPEALS FROM LOWER COURTS**

**Rule 901. Scope of Chapter.**

This chapter applies to all appeals from a trial court to an appellate court except:

\* \* \* \* \*

(6) An appeal which may be taken by petition for review pursuant to Rule 3331 (review of special prosecutions or investigations).

**(7) An appeal which may be taken only by a petition for review pursuant to Rule 1573, which governs review when a trial court has denied a motion to dismiss on the basis of double jeopardy as frivolous.**

**CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS**

**PETITION FOR REVIEW**

**Rule 1516. Other Pleadings Allowed.**

(a) *Appellate jurisdiction petitions for review.*—No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to the Notes to Rules 341 or 1311 (seeking review of a trial court or other government unit’s refusal to certify an interlocutory order for immediate appeal), **Rule 1573 (review of orders finding an assertion of double jeopardy frivolous)**, Rule 1762 (regarding release in criminal matters), Rule 1770 (regarding placement in juvenile delinquency matters), Rule 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Rule 3331 (regarding review of special prosecutions and investigations). Where an answer is authorized, the time for filing an answer shall be as stated in Rule 123(b).

\* \* \* \* \*

**Official Note:** The 2004 [ and ] , 2012, and 2013 amendments made clear that, with [ six ] limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court’s appellate jurisdiction is proper. With regard to original jurisdiction proceedings, practice is patterned after Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing Notice to Plead). The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party. See Rule 1762(b)(2) regarding bail applications. See Rule 1770 regarding placement in juvenile delinquency matters.

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

**REVIEW OF DETERMINATIONS BY A COURT OF COMMON PLEAS THAT A CLAIM OF DOUBLE JEOPARDY IS FRIVOLOUS**

**Rule 1573. Review of Orders in Which the Court Finds an Assertion of Double Jeopardy Frivolous.**

(a) *General rule.*—Any party seeking review of a frivolousness determination by a court of common pleas under Pennsylvania Rule of Criminal Procedure 587 shall file a petition for review in the appellate court having jurisdiction over the matter. Review of a frivolousness determination under Pennsylvania Rule of Criminal Procedure 587 shall be governed by this chapter and ancillary provisions of these rules, except as otherwise prescribed by this rule. The time for filing is provided for in Pa.R.A.P. 1512(a)(1).

(b) *Contents.*—The contents of the petition for review are not governed by Pa.R.A.P. 1513. Instead, the petition for review need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(i) A statement of the basis for the jurisdiction of the appellate court.

(ii) The text of the order in question, and the date of its entry in the trial court. If the order is voluminous, it may, if more convenient, be appended to the petition.

(iii) A concise statement of the case containing the facts necessary to an understanding of the frivolousness issue(s) presented.

(iv) The question(s) presented, expressed in the terms and circumstances of the case but without unnecessary detail.

(v) A concise statement of the reasons why the trial court erred in its determination of frivolousness.

(vi) There shall be appended to the petition a copy of any opinions relating to the order sought to be reviewed, including findings of fact and conclusions of law in support of the frivolousness determination, as well as a copy of any transcripts or other record documents necessary to the appellate court’s review.

(vii) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations or other similar enactments which the case involves.

(viii) There shall be appended to the petition any briefs filed in the trial court in support of the motion to dismiss.

(c) *Caption and parties.*—The parties in the trial court shall be named as parties in the appellate court. If there are multiple defendants but the order for which review is sought adjudicates the motion of only a single defendant, only that defendant may file a petition for review.

(d) *No supporting brief.*—All contentions in support of a petition shall be set forth in the body of the petition as prescribed by subparagraph (b)(v) of this rule. No separate brief in support of the petition for review will be received, and the prothonotary of the appellate court will refuse to file any petition for review to which is annexed or appended any brief other than the briefs filed in the trial court.

(e) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(f) *Effect of filing petition.*—The filing of a petition for review shall not automatically stay the proceedings before the trial court. A petitioner may file an application for a stay in the trial or appellate court pending the determination of the petition for review, or the trial or appellate court may issue a stay *sua sponte*.

(g) *Answer to petition for review.*—If the Commonwealth does not intend to file an answer under this rule, it shall, within the time fixed by these rules for filing an answer, file a letter stating that it does not intend to file an answer to the petition for review. The failure to file an answer will not be construed as concurrence in the petition for review. The appellate court may, however, direct the Commonwealth to file an answer.

(h) Pa.R.A.P. 1531—1571 do not apply to petitions for review filed under this rule. Pa.R.A.P. 1514 does apply, except that no copy of the petition needs to be served upon the Attorney General.

(i) *Grant of petition for review and transmission of record.*—If the petition for review is granted, the prothonotary of the appellate court shall immediately give written notice of the entry of the order to the clerk of the trial court and to each party who has appeared in the appellate court. The grant of the petition for review shall operate as a stay of all trial court proceedings. The clerk of the trial court shall docket the notice in the same manner as a notice of appeal and shall mail that notice to all parties to the trial court proceeding. The certified record shall be transmitted and filed in accordance with Chapter 19 (preparation and transmission of the record and related matters). The times fixed by those provisions for transmitting the record shall run from the date of the entry of the order granting the petition for review. No party needs to file a separate notice of appeal.

(j) *Denial of petition for review.*—If the petition for review is denied, the prothonotary of the appellate court shall immediately give written notice of the order to the clerk of the trial court and to each party who has appeared in the appellate court.

**Official Note:** The trial court's determination and the procedure for determining a motion to dismiss on double jeopardy grounds is set forth in Pa.R.Crim.P. 587. If a trial court denies such a motion without expressly finding that the motion is frivolous, the order is immediately appealable by means of a notice of appeal under Pa.R.A.P. 313. If, however, the trial court finds the motion to be frivolous, appellate review can be secured only if the appellate court grants a petition for review. See *Commonwealth v. Orie*, 22 A.3d 1021 (Pa. 2011); *Commonwealth v. Brady*, 510 Pa. 336, 508 A.2d 286 (1986). If the Superior Court does not grant the petition for review, the defendant may file a petition for allowance of appeal with the Supreme Court.

Where the petition for review of the determination of frivolousness is granted, the grant automatically initiates a separate appeal on the merits from the order denying the pretrial motion seeking dismissal of criminal charges on double jeopardy grounds.

A party may seek (or a court may *sua sponte* issue) a stay of the trial court proceedings pending review of the frivolousness determination. Otherwise, the trial court may proceed while the petition for review is pending. See Pa.R.A.P. 1701(d). Where the petition for review of the determination of frivolousness is granted, the grant automatically stays further proceedings in the trial courts.

[Pa.B. Doc. No. 13-1107. Filed for public inspection June 21, 2013, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CH. 1930 ]

### Order Adopting Rule 1930.8 of the Rules of Civil Procedure; No. 580 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 5th day of June, 2013, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 6247 (October 6, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1930.8 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days on July 5, 2013.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

#### Rule 1930.8. Self-Represented Party.

(a) A party representing himself or herself shall enter a written appearance which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party may be contacted. The entry of appearance may include a facsimile number as provided by Pa.R.C.P. No. 1012.

(b) A self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

(c) When a party has an attorney of record, the party may assert his or her self-representation by:

(1) Filing a written entry of appearance and directing the prothonotary/court clerk to remove the name of his or her counsel of record with contemporaneous notice to said counsel, or

(2) Filing an entry of appearance with the withdrawal of appearance signed by his or her attorney of record.

(d) The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

(e) The assertion of self-representation shall not delay any stage of the proceeding.

#### Explanatory Comment—2013

Withdrawal of appearance by counsel of record is governed by Pa.R.C.P. No. 1012. Service of original process in domestic relations matters is governed by Pa.R.C.P. No. 1930.4. Service of legal papers other than original process is governed by Pa.R.C.P. No. 440.

[Pa.B. Doc. No. 13-1108. Filed for public inspection June 21, 2013, 9:00 a.m.]

# Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 5 AND 6 ]

**Order Amending Rule 587 and Revising the Comments to Rules 580 and 605 of the Rules of Criminal Procedure; No. 431 Criminal Procedural Rules Doc.**

## Order

### *Per Curiam*

*And Now*, this 4th day of June, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 42 Pa.B. 1369 (March 17, 2012), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 967), 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 587 are adopted and the revisions to the Comments to Pennsylvania Rules of Criminal Procedure 580 and 605 are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 4, 2013.

### Annex A

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

### PART G(1). Motion Procedures

#### Rule 580. Disposition of Pretrial Motions.

Unless otherwise provided in these rules, all pretrial motions shall be determined before trial. Trial shall be postponed by the court for the determination of pretrial motions, if necessary.

#### Comment

**See Rule 587(B) for the procedures for motions to dismiss on double jeopardy grounds.**

**Official Note:** Rule 309 adopted June 30, 1964, effective January 1, 1965; renumbered Rule 310 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; renumbered Rule 580 March 1, 2000, effective April 1, 2001; **Comment revised June 4, 2013, effective July 4, 2013.**

#### *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 June 4, 2013 revision of the Comment adding a citation to Rule 587 concerning motions to dismiss on double jeopardy grounds published with the Court's Order at 43 Pa.B. 3331 (June 22, 2013).

#### Rule 587. Motion for Dismissal.

##### (A) *Untimely Filing of Information.*

(1) Upon motion and a showing that an information has not been filed within a reasonable time, the court

may order dismissal of the prosecution, or in lieu thereof, make such other order as shall be appropriate in the interests of justice.

[ (B) ] (2) The attorney for the Commonwealth shall be afforded an opportunity to respond.

##### (B) *Double Jeopardy.*

(1) A motion to dismiss on double jeopardy grounds shall state specifically and with particularity the basis for the claim of double jeopardy and the facts that support the claim.

(2) A hearing on the motion shall be scheduled in accordance with Rule 577 (Procedures Following Filing of Motion). The hearing shall be conducted on the record in open court.

(3) At the conclusion of the hearing, the judge shall enter on the record a statement of findings of fact and conclusions of law and shall issue an order granting or denying the motion.

(4) In a case in which the judge denies the motion, the findings of fact shall include a specific finding as to frivolousness.

(5) If the judge makes a finding that the motion is frivolous, the judge shall advise the defendant on the record that a defendant has a right to file a petition for review of that determination pursuant to Rule of Appellate Procedure 1573 within 30 days of the order denying the motion.

(6) If the judge denies the motion but does not find it frivolous, the judge shall advise the defendant on the record that the denial is immediately appealable as a collateral order.

#### Comment

*Cf.* Pa.R.J.A. 1901 concerning termination of inactive cases.

[ See Rule 575 for the procedures governing motions and answers. ]

A motion filed pursuant to this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

In any case in which a summary offense is joined with a misdemeanor, felony, or murder charge, and therefore is part of the court case, a dismissal of the prosecution pursuant to paragraph [ (A) ] (A)(1) would include the dismissal of the summary offense. *See* the Comment to Rule 502 (Instituting Proceedings in Court Cases).

"Hearing," as used in paragraph (B)(2) includes the taking of testimony, or the hearing of argument, or both. *See* Rule 115 for the procedures for the recording and transcribing of the hearing.

Paragraph (B)(4) requires the judge to make a specific finding whether the motion is being dismissed as frivolous. The judge should expressly cite on-point controlling case law that would make the claim frivolous. *See, e.g., Commonwealth v. Gains*, 383 Pa.Super. 208, 217, 556 A.2d 870, 874 (1989) ("A frivolous claim is a claim clearly and palpably without merit; it is a claim which presents no debatable question."). A mere adverse decision of the case does not mean the matter is frivolous.

Although the judge is required to advise the defendant of his or her appellate rights in paragraphs (B)(5) and (B)(6) upon dismissing the mo-

tion, nothing in this rule is intended to preclude the defendant from proceeding to trial without first appealing the double jeopardy question. *See, e.g., Commonwealth v. Lee*, 490 Pa. 346, 350, 416 A.2d 503, 504 (1980) (“Unquestionably, appellant could have sought immediate appellate review of the question involved. For whatever reason, however, appellant proceeded to trial without first appealing the double jeopardy question. We believe that a defendant may choose to proceed to trial and if convicted, still challenge the propriety of the pretrial motion to dismiss on double jeopardy grounds on appeal.” (citations omitted)).

For the procedures for challenging the denial of the motion to dismiss on double jeopardy grounds when the judge makes a finding that the motion is frivolous, see Rule of Appellate Procedure 1573.

Pursuant to Rule of Appellate Procedure 1701(d), the filing of a petition for review does not affect the judge’s power to proceed further in the case while the petition for review is pending.

**Official Note:** Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March 9, 2006, effective September 1, 2006; **amended June 4, 2013, effective July 4, 2013.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the June 4, 2013 provisions of the new paragraph (B) concerning motions to dismiss on double jeopardy grounds published with the Court’s Order at 43 Pa.B. 3331 (June 22, 2013).**

**CHAPTER 6. TRIAL PROCEDURES IN COURT CASES**

**PART A. General Provisions**

**Rule 605. Mistrial.**

\* \* \* \* \*

**Comment**

This rule replaces the practice of moving for the withdrawal of a juror.

Examples of “manifest necessity” can be found in *Commonwealth v. Stewart*, 456 Pa. 447, 317 A.2d 616 ([ Pa. ] 1974); *Commonwealth v. Brown*, 451 Pa. 395, 301 A.2d 876 ([ Pa. ] 1973); *United States ex rel. Russo v. Superior Court of New Jersey*, Law Division, Passaic County, 483 F.2d 7 (3rd Cir. 1973), *cert. denied*, 414 U.S. 1023 (1973); *United States v. Tinney*, 473 F.2d 1085 (3rd Cir. 1973), *cert. denied*, 412 U.S. 928 (1973); *United States v. Jorn*, 440 U.S. 470 (1971); and *United States v. Perez*, 9 Wheat. 579 (1824); see also *Illinois v. Somerville*, 410 U.S. 458 (1973).

**See Rule 587(B) for the procedures when a motion to dismiss on double jeopardy grounds is filed.**

**Official Note:** Rule 1118 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; renumbered Rule 605 and amended March 1, 2000, effective April 1, 2001; **Comment revised June 4, 2013, effective July 4, 2013.**

*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 June 4, 2013 revision of the Comment adding a citation to Rule 587 concerning motions to dismiss on double jeopardy grounds published with the Court’s Order at 43 Pa.B. 3331 (June 22, 2013).**

**FINAL REPORT<sup>1</sup>**

***Amendments to Pa.R.Crim.P. 587 and Revisions to the Comments to Pa.Rs.Crim.P. 580 and 605***

**Motion to Dismiss Based on Double Jeopardy Grounds**

On June 4, 2013, effective July 4, 2013, upon the joint recommendation of the Criminal Procedural Rules Committee (“Criminal Committee”) and the Appellate Court Procedural Rules Committee (“Appellate Committee”), the Court adopted the amendment of Rule of Criminal Procedure 587 and correlative revisions to the Comments to Rules of Criminal Procedure 580 and 605. The rule changes clarify the procedures when a defendant files a motion to dismiss based on double jeopardy grounds. The Court also adopted new Rule of Appellate Court Procedure 1573 and correlative changes to Rules of Appellate Procedure 313 and 1516 to clarify the appeal procedures when a defendant’s motion to dismiss based on double jeopardy has been denied. These changes were developed in response to the Court’s directive in *Commonwealth v. Orié*, 610 Pa. 552, 22 A.3d 1021 (2011).

**I. Background**

In *Commonwealth v. Orié*, 610 Pa 552, 22 A.3d 1021 (2011), the Court clarified the appropriate procedures for an appellate court to follow when a trial court dismisses a defendant’s pre-trial double jeopardy challenge as frivolous. The Court asked the Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee to evaluate the Court’s proposed procedural framework for possible further refinement.

The two Committees established a joint subcommittee to study the issue. During the subcommittees’ discussions of the *Orié* case and the Court’s directive, the members noted that there is no uniformity in how motions to dismiss on double jeopardy grounds currently are handled at the trial level. They reasoned that this lack of uniformity contributes to the confusion that the Court was addressing in *Orié*. The subcommittees accordingly recommended, to which the Committees agreed, that it would be helpful to the bench and bar if the Criminal Rules were amended to specify the procedures to be followed in the court of common pleas when a defendant files a motion to dismiss based on double jeopardy grounds.

**II. Discussion of the Criminal Rule Changes**

The amendments are designed to incorporate into the procedures governing motions to dismiss on double jeopardy grounds the factors the Committees considered most important. These are: (1) protecting a defendant’s rights,

<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.

(2) creating a record at the trial level for purposes of appeal and preserving all parties' positions, and (3) ensuring the defendant understands his or her appeal rights.

The new procedures embodying these factors have been added to Rule 587 (Motion for Dismissal) as new paragraph (B). Paragraph (B)(1) requires that the motion state specifically and with particularity the basis for the claim of double jeopardy and the facts supporting the claim. This requirement is comparable to the motion requirements in Rule 575(A)(2)(c).

Paragraph (B)(2) requires that there be a hearing conducted in open court. A hearing on the record is vital to preserve the parties' positions for appeal purposes. As elaborated in the Comment, the "hearing" in this context may include (1) taking testimony, (2) taking testimony and presenting arguments, or (3) merely presenting arguments as the judge determines necessary in a given case.

Paragraph (B)(3) requires that the judge enter on the record findings of fact and conclusions of law at the conclusion of the hearing and issue an order granting or denying the motion. Paragraph (B)(4) adds the requirement from *Orie* and prior cases that if the judge denies the motion, the judge also must make specific findings as to frivolousness. The members of the Criminal Committee noted, anecdotally, that frequently judges will deny the motion to dismiss on double jeopardy grounds without making a finding with regard to frivolousness unless or until a defendant challenges the denial of the motion, and that some judges do not explain the basis for finding the motion frivolous. Recognizing that these practices are a source of confusion and that they cause problems for defendants and appellate courts when such motions are denied, the amendments require the trial judge to make a specific finding as to frivolousness at the time the judge decides the double jeopardy motion, and further require a trial judge to make a contemporaneous record of the judge's reasons for his or her findings. Furthermore, the Rule 587 Comment has been revised to include a cross-reference to *Commonwealth v. Gains*, 383 Pa. Super. 208, 217, 556 A.2d 870, 874 (1989), to provide guidance about what constitutes a frivolous claim. The Comment explains that "a 'frivolous claim is a claim clearly and palpably without merit; it is a claim which presents no debatable question'" and a "mere adverse decision in the case does not mean the matter is frivolous."

Paragraphs (B)(5) and (B)(6) require that the judge advise the defendant on the record of his or her appellate rights. When the judge makes a finding that the motion is frivolous, paragraph (B)(5) requires the judge to advise the defendant that he or she has the right to file a petition for review within 30 days of the order denying the motion. When the judge denies the motion but does not find it frivolous, paragraph (D)(6) requires the judge to advise the defendant the denial is immediately appealable as a collateral order under the Appellate Rules.

One issue related to the defendant's appellate rights concerned the consequences of a defendant failing to challenge a denial of a motion to dismiss on double jeopardy grounds. Although a failure to file a timely appeal from a final order (and from some interlocutory orders) will result in waiver, case law has recognized that because of the constitutional ramifications of a double jeopardy claim, a defendant may bring a challenge immediately or may defer a challenge to a denial of such a motion until the conclusion of the trial. As an aid to the bench and bar, the Rule 587 Comment has been revised to include a cross-reference to *Commonwealth v. Lee*, 490

Pa. 346, 350, 416 A.2d 503, 504 (1980), a case in which the Court explained that a defendant may, but does not have to, challenge a denial of the double jeopardy motion immediately after the entry of the order denying the motion and may wait until the conclusion of the trial to appeal.

The Comment also includes a cross-reference to the new Appellate Rule provisions concerning petitions for review set forth in new Rule of Appellate Procedure 1573. As a further aid to the bench and bar, the Comment includes a cross-reference to Rule of Appellate Procedure 1701(d) to make it clear that the filing of a petition for review does not affect the judge's power to proceed further in the case while the petition for review is pending.

Finally, cross-references to the new Criminal Rule provisions in Rule 587 have been added to the Comments to Rules 580 (Disposition of Pretrial Motions) and 605 (Mistrial).

### III. Discussion of Appellate Rule Changes

As noted above, the Court also adopted new Rule of Appellate Procedure 1573 and correlative changes to Rules of Appellate Procedure 313 and 1516 to clarify the appeal procedures when a defendant's motion to dismiss based on double jeopardy has been denied. A different process for securing review is employed when a judge denies a motion to dismiss on double jeopardy grounds without a finding of frivolousness than when the judge determines that the motion was frivolous in addition to being non-meritorious.

New Pa.R.A.P. 1573 provides the parameters and procedure for seeking review when a motion to dismiss on double jeopardy grounds is ruled to be frivolous. If the trial court does not make a determination that the claim is frivolous, a defendant would continue to file a notice of appeal pursuant to the collateral order rule in Pa.R.A.P. 313. The note to Pa.R.A.P. 313 has been revised to cross-reference the Pa.R.A.P. 1573 procedures for petitions for review in this situation. Pa.R.A.P. 901 and Pa.R.A.P. 1516 and its note also are amended to make it clear that the proper document is a petition for review and not a notice of appeal.

[Pa.B. Doc. No. 13-1109. Filed for public inspection June 21, 2013, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

#### Order of Court

*And Now*, this 4th day of June, 2013, it is hereby *Ordered* as follows:

1. A new Local Rule of Civil Procedure numbered 1915.4-3.1 is hereby promulgated to read as follows:

#### **Rule 1915.4-3.1. Conciliation Conference Facilitator.**

(a) The Court may appoint a conciliation conference facilitator upon its own motion or upon the motion of a party. The motion of a party must be in writing and filed with the Prothonotary.



(b) If the Court appoints a conciliation conference facilitator upon its own motion, payment therefor shall be made by the Prothonotary from moneys collected pursuant to 23 Pa.C.S. § 3902(a)

(c) A party who files a motion for the appointment of a conciliation conference facilitator shall file it at the same time that a conciliation conference date and time are first requested. The party shall simultaneously deliver to the Prothonotary a check or money order in the amount of \$125.00, made payable to the then-designated facilitator, to pay for the cost of the facilitator's attendance.

2. An amended Local Rule of Civil Procedure numbered 1915.4-3 is hereby promulgated to read as follows:

**Rule 1915.4-3.2. Pretrial Conference.**

(a) If at the conciliation conference, the parties cannot agree upon a resolution of all the issues and a trial before a judge becomes necessary, the Court Administrator shall cause a pretrial conference to be scheduled to occur within ninety (90) days after the date the conciliation conference was held.

(b) The Court will schedule a trial date at the pretrial conference, and a date for an additional pretrial conference when appropriate. The parties must attend each pre-trial conference.

3. An amended Local Rule of Civil Procedure numbered 1915.7 is hereby promulgated to read as follows:

**Rule 1915.7. Consent Order. Final and Temporary.**

(a) If at any time during the course of a custody proceeding the parties agree upon a resolution of all the issues and are then available to consent in writing to an order reflecting the same, they shall so notify the Court. The Court will make its staff available to the parties and their lawyers for the immediate preparation of a final consent order.

(b) If after a conciliation conference the parties cannot agree upon a resolution of all the issues, counsel and the parties shall, within seven (7) days after such conference, submit to the Court a proposed temporary order providing for the occurrence of those things agreed upon at the conciliation conference. The proposed temporary order shall not contain a provision for the scheduling of a hearing before the Court. The completed Conciliation Conference Checklist shall be attached to the proposed temporary order.

4. It is further *Ordered* that the Comment to L.R.C.P. No. 1915.7 be deleted in its entirety.

5. A new Local Rule of Civil Procedure numbered 1915.14 is hereby promulgated to read as follows:

**Rule 1915.14. Disobedience of Order Directing Custody Evaluation.**

If a party fails to submit to a child custody evaluation; fails to cause a household member to submit a child custody evaluation; or fails to pay his or her share of the costs thereof, the Court may dismiss the complaint or impose other appropriate sanctions.

6. An amended Local Rule of Orphans Court Procedure numbered 3.5G is hereby promulgated to read as follows:

**Rule 3.5G. Motion for Judgment on the Pleadings. Motion for Summary Judgment.**

The practice and procedure relating to motions for judgment on the pleadings and motions for summary

judgment shall be governed by the pertinent Pennsylvania Rules of Civil Procedure, as implemented by the Local Rules of Civil Procedure, including those requiring the filing of proposed scheduling orders. Notice in advance of the filing of such a motion is not required.

7. The Court Administrator shall take all steps required by Pa.R.J.C.P. No. 121 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

8. This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 13-1110. Filed for public inspection June 21, 2013, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Andrew D. Schildiner, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated January 7, 2013, the Supreme Court of Pennsylvania issued an Order on June 5, 2013, disbaring Andrew D. Schildiner, from the Bar of this Commonwealth, effective July 5, 2013. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-1111. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Michael T. Brown, having been indefinitely suspended from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated December 12, 2012, the Supreme Court of Pennsylvania issued an Order dated June 5, 2013 suspending Michael T. Brown from the practice of law in this Commonwealth consistent with the Court of Appeals in Maryland. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-1112. Filed for public inspection June 21, 2013, 9:00 a.m.]

# SUPREME COURT

## Reestablishment of the Magisterial Districts within the 3rd Judicial District; No. 358 Magisterial Rules Doc.

### Order

#### *Per Curiam*

*And Now*, this 10th day of June 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 3rd Judicial District (Northampton County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 03-2-07, within Northampton County, to be effective January 4, 2016, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 03-2-03, 03-2-05, 03-2-06, 03-2-08, 03-2-10, 03-2-11, 03-3-01, 03-3-02, and 03-3-03, within Northampton County, to be effective January 4, 2016, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 03-1-04, 03-2-01, 03-2-04, 03-2-09, and 03-2-12, within Northampton County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 03-1-04 Magisterial District Judge James J. Narlesky	City of Bethlehem (Ward 14) Hanover Township
Magisterial District 03-2-01 Magisterial District Judge Roy A. Manwaring	City of Bethlehem (Wards 6—9)
Magisterial District 03-2-03 Magisterial District Judge Joseph K. Barner	Bethlehem Township
Magisterial District 03-2-04 Magisterial District Judge David W. Tidd	Hellertown Borough Lower Saucon Township
Magisterial District 03-2-05 vacant	City of Easton (Wards 1—5)
Magisterial District 03-2-06 Magisterial District Judge Daniel G. Corpora	City of Easton (Wards 6, 9, 10, 11, and 12) Glendon Borough Williams Township
Magisterial District 03-2-08 Magisterial District Judge John Capobianco	Bath Borough Nazareth Borough Stockertown Borough East Allen Township Lower Nazareth Township Upper Nazareth Township
Magisterial District 03-2-09 Magisterial District Judge Jacqueline M. Taschner	Tatamy Borough Forks Township Palmer Township
Magisterial District 03-2-10 Magisterial District Judge Nancy Matos Gonzalez	City of Bethlehem (Wards 1—4)
Magisterial District 03-2-11 Magisterial District Judge Patricia A. Romig-Passaro	City of Bethlehem (Wards 5, 15, 16, and 17) Freemansburg Borough
Magisterial District 03-2-12 Magisterial District Judge Richard H. Yetter, III	City of Easton (Wards 7 & 8) West Easton Borough Wilson Borough

Magisterial District 03-3-01  
Magisterial District Judge  
Robert A. Hawke

North Catasauqua Borough  
Northampton Borough  
Walnutport Borough  
Allen Township  
Lehigh Township  
Moore Township  
(Klecknersville &  
Beersville Voting  
Districts)

Magisterial District 03-3-02  
Magisterial District Judge  
Douglas H. Schlegel, Sr.

Chapman Borough  
Wind Gap Borough  
Bushkill Township  
Moore Township (Phillips &  
Eastern Voting Districts)  
Plainfield Township  
(Belfast, Kesslersville,  
and Plainfield Church  
Voting Districts)

Magisterial District 03-3-03  
Magisterial District Judge  
Todd M. Strohe

Bangor Borough  
East Bangor Borough  
Pen Argyl Borough  
Portland Borough  
Roseto Borough  
Lower Mt. Bethel Township  
Plainfield Township  
(Delabole Voting District)  
Upper Mt. Bethel Township  
Washington Township

[Pa.B. Doc. No. 13-1113. Filed for public inspection June 21, 2013, 9:00 a.m.]

## Reestablishment of the Magisterial Districts within the 5th Judicial District; No. 357 Magisterial Rules Doc.

### Order

#### *Per Curiam*

*And Now*, this 3rd day of June 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 5th Judicial District (Allegheny County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 05-2-43, 05-3-06 and 05-3-13, within Allegheny County, to be effective October 1, 2013, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 05-2-01, 05-2-02, 05-2-03, 05-2-04, 05-2-05, 05-2-06, 05-2-07, 05-2-08, 05-2-10, 05-2-11, 05-2-12, 05-2-13, 05-2-14, 05-2-15, 05-2-16, 05-2-17, 05-2-18, 05-2-19, 05-2-20, 05-2-21, 05-2-22, 05-2-23, 05-2-25, 05-2-26, 05-2-27, 05-2-28, 05-2-31, 05-2-32, 05-2-35, 05-2-36, 05-2-38, 05-2-40, 05-2-42, 05-2-47, 05-3-02, 05-3-03, 05-3-04, 05-3-05, 05-3-09, 05-3-10, 05-3-12, 05-3-14, and 05-3-17, within Allegheny County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 05-2-01 Magisterial District Judge Tara L. Smith	Avalon Borough Bellevue Borough Ben Avon Borough Ben Avon Heights Borough Emsworth Borough Kilbuck Township Ohio Township
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Magisterial District 05-2-02 Magisterial District Judge Richard G. Opiela	West View Borough Ross Township	Magisterial District 05-2-19 Magisterial District Judge Blaise P. Larotonda	Dormont Borough Mt. Lebanon Township
Magisterial District 05-2-03 Magisterial District Judge Robert P. Dzvonic	Etna Borough Millvale Borough Reserve Township Shaler Township	Magisterial District 05-2-20 Magisterial District Judge Robert C. Wyda	Bethel Park Borough Upper St. Clair Township
Magisterial District 05-2-04 Magisterial District Judge Elissa M. Lang	Aspinwall Borough Blawnox Borough Fox Chapel Borough Sharpsburg Borough Indiana Township O'Hara Township	Magisterial District 05-2-21 Magisterial District Judge Maureen McGraw-Desmet	Bridgeville Borough Collier Township South Fayette Township
Magisterial District 05-2-05 Magisterial District Judge Carolyn S. Bengel	Brackenridge Borough Tarentum Borough East Deer Township Fawn Township Harrison Township	Magisterial District 05-2-22 Magisterial District Judge Gary M. Zyra	Green Borough Heidelberg Borough Scott Township
Magisterial District 05-2-06 Magisterial District Judge Leonard J. Hromyak	Verona Borough Penn Hills Township Wilkins Township	Magisterial District 05-2-23 Magisterial District Judge Dennis R. Joyce	Carnegie Borough Crafton Borough Ingram Borough Pennsbury Village Borough Rosslyn Farms Borough Thornburg Borough
Magisterial District 05-2-07 Magisterial District Judge Jeffrey L. Herbst	Monroeville Borough Pitcairn Borough	Magisterial District 05-2-25 Magisterial District Judge Mary P. Murray	Coraopolis Borough Crescent Township Moon Township Neville Township
Magisterial District 05-2-08 Magisterial District Judge Thomas P. Caulfield	Braddock Hills Borough Chalfant Borough Churchill Borough Forest Hills Borough Swissvale Borough	Magisterial District 05-2-26 Magisterial District Judge Beth S. Mills	Elizabeth Borough West Elizabeth Borough Elizabeth Township Forward Township
Magisterial District 05-2-10 Magisterial District Judge Kim M. Hoots	Edgewood Borough Wilksburg Borough	Magisterial District 05-2-27 Magisterial District Judge Eugene N. Ricciardi	City of Pittsburgh (Wards 4, 6, and 17)
Magisterial District 05-2-11 Magisterial District Judge Robert L. Barner	Trafford Borough Wall Borough Wilmerding Borough East McKeesport Borough North Versailles Township	Magisterial District 05-2-28 Magisterial District Judge Oscar J. Petite, Jr.	City of Pittsburgh (Wards 1, 2, 3, and 5)
Magisterial District 05-2-12 Magisterial District Judge William K. Wagner	Bradford Woods Borough Marshall Township Mc Candless Township Pine Township	Magisterial District 05-2-31 Magisterial District Judge Ronald N. Costa, Sr.	City of Pittsburgh (Wards 8, 10, and 11)
Magisterial District 05-2-13 Magisterial District Judge Eugene F. Riazzi	City of McKeesport	Magisterial District 05-2-32 Magisterial District Judge Linda I. Zucco	Oakmont Borough Plum Borough
Magisterial District 05-2-14 Magisterial District Judge Richard D. Olasz, Jr.	Dravosburg Borough Rankin Borough West Mifflin Borough Whitaker Borough	Magisterial District 05-2-35 Magisterial District Judge Hugh F. McGough	City of Pittsburgh (Wards 7 and 14)
Magisterial District 05-2-15 Magisterial District Judge Thomas R. Torkowsky	Homestead Borough Munhall Borough West Homestead Borough	Magisterial District 05-2-36 Magisterial District Judge James J. Hanley, Jr.	City of Pittsburgh (Wards 15 and 31)
Magisterial District 05-2-16 Magisterial District Judge Pat A. Capolupo	Jefferson Hills Borough Pleasant Hills Borough South Park Township	Magisterial District 05-2-38 Magisterial District Judge James A. Motznik	City of Pittsburgh (Ward 19)
Magisterial District 05-2-17 Magisterial District Judge David J. Barton	Baldwin Township Castle Shannon Borough Whitehall Borough	Magisterial District 05-2-40 Magisterial District Judge Derwin D. Rushing	City of Pittsburgh (Wards 21, 22, 23, 24, and 25)
Magisterial District 05-2-18 Magisterial District Judge John N. Bova	Baldwin Borough Brentwood Borough	Magisterial District 05-2-42 Magisterial District Judge Robert P. Ravenstahl, Jr.	City of Pittsburgh (Wards 26 and 27)
		Magisterial District 05-2-43 Magisterial District Judge Carla M. Swearingen	Kennedy Township Robinson Township
		Magisterial District 05-2-47 Magisterial District Judge Scott H. Schricker	City of Duquesne Braddock Borough East Pittsburgh Borough North Braddock Borough Turtle Creek Borough

Magisterial District 05-3-02 Magisterial District Judge Robert L. Ford	Bell Acres Borough Edgeworth Borough Franklin Park Borough Glenfield Borough Haysville Borough Leetsdale Borough Osborne Borough Sewickley Heights Borough Sewickley Hills Borough Sewickley Borough Aleppo Township Leet Township	Magisterial District 05-3-09 Magisterial District Judge Armand A. Martin	City of Clairton Glassport Borough Liberty Borough Port Vue Borough
Magisterial District 05-3-03 Magisterial District Judge David J. Sosovicka	Cheswick Borough Springdale Borough Frazer Township Harmar Township Springdale Township	Magisterial District 05-3-10 Magisterial District Judge Anthony M. Ceoffe	City of Pittsburgh (Wards 6 and 9)
Magisterial District 05-3-04 Magisterial District Judge Suzanne R. Blaschak	Hampton Township Richland Township West Deer Township	Magisterial District 05-3-12 Magisterial District Judge Kevin E. Cooper	City of Pittsburgh (Wards 12 and 13)
Magisterial District 05-3-05 Magisterial District Judge Thomas G. Miller, Jr.	Lincoln Borough Versailles Borough White Oak Borough South Versailles Township	Magisterial District 05-3-13 Magisterial District Judge Randy C. Martini	City of Pittsburgh (Wards 20 and 28)
Magisterial District 05-3-06 Magisterial District Judge Mary Ann Cercone	McKees Rocks Borough Stowe Township	Magisterial District 05-3-14 Magisterial District Judge Richard G. King	City of Pittsburgh (Wards 18, 29, 30, and 32) Mt. Oliver Borough
		Magisterial District 05-3-17 Magisterial District Judge Anthony W. Saveikis	McDonald Borough (Allegheny County portion) Oakdale Borough Findlay Township North Fayette Township

[Pa.B. Doc. No. 13-1114. Filed for public inspection June 21, 2013, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### DEPARTMENT OF EDUCATION

[ 22 PA. CODE CH. 19 ]

#### Educator Effectiveness Rating Tool; Classroom Teachers

The Department of Education (Department) adopts Chapter 19 (relating to educator effectiveness rating tool) to read as set forth in Annex A.

##### *Omission of Proposed Rulemaking*

Under section 1123 of the Public School Code of 1949 (act) (24 P.S. § 11-1123), regarding rating systems, amended by the act of June 30, 2012 (P.L. 684, No. 82) (Act 82), the Department is required to develop a rating tool to measure the effectiveness of classroom teachers. Section 1123(b)(2)(i) of the act requires the Department to publish this rating tool in the *Pennsylvania Bulletin* by June 30, 2013.

Under section 1123(j) of the act, the publication of the rating tool by the Department is expressly exempt from sections 201—205 the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)) and the Regulatory Review Act (71 P.S. §§ 745.1—745.12). Therefore, the Department is not required to publish a notice of proposed rulemaking as prescribed by the CDL. The rating tool is exempt from the statutory provisions requiring review by the Office of Attorney General. The publication of the rating tool is not subject to review and approval by the Independent Regulatory Review Commission.

##### *Statutory Authority*

This final-omitted rulemaking is published under the authority of section 1123(a), (b)(2), (e) and (j) of the act as amended by Act 82 and sections 201 and 506 of The Administrative Code of 1929 (71 P.S. §§ 61 and 186).

##### *Purpose*

This final-omitted rulemaking fulfills the directive of section 1123(b)(2)(i) of the act that the Department “shall develop, issue and publish in the *Pennsylvania Bulletin* a rating tool.” As required under Act 82, the rating tool contains measures based on teacher observation and practice and multiple measures of student performance. The rating tool encompasses a form and instructions. The final-omitted rulemaking also includes a process whereby the governing board of a local education agency (LEA) may submit a plan for an alternative rating tool to the Department for review and approval.

##### *Background and Public Input*

Under section 1123(a) of the act, the Department developed the rating tool “in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators. . . .” To formally implement this provision, the Department convened a Stakeholders Group. Members of the Stakeholders

Group included parents, teachers, administrators, chief executive officers of charter schools, representatives from higher education and others from across this Commonwealth. The Stakeholders Group met and reviewed key elements of the rating tool and provided the Department with feedback.

##### *Provisions of Final-Omitted Rulemaking*

Section 19.1 (relating to classroom teacher effectiveness rating tool) states:

The rating tool functions as a framework for the evaluation and summative process for classroom teachers, and is designed for local education agencies providing early childhood, elementary or secondary education across this Commonwealth. The tool is comprised of the form and instructions.

The rating tool consists of the one-page rating form used by LEAs to record the results of the data collection process which provides for a potential overall rating of Failing, Needs Improvement, Proficient or Distinguished. The rating form sets numeric values for these four rating levels on a zero to three point scale.

The rating tool includes descriptions of the four areas or domains set forth in Act 82 for teacher observation and practice. The four domains are as follows: planning and preparation; classroom environment; instruction; and professional responsibilities. The rating tool provides descriptions of educator performance or behavior at the four different rating levels in the four areas or domains.

The rating tool contains “Instructions for Rating Tool—Standards of Use” that are divided into six areas or main paragraphs. The first area includes the definitions for the rating tool. The second area, “General Provisions,” contains directions for the evaluation and rating process as well as basic instructions for completing the rating form.

The third area, “Standards of Use for Teacher Observation and Practice,” accounts for 50% of a teacher’s total rating. It addresses the evaluation of the four domains listed under “(A) Teacher Observation and Practice” in the form. This area sets forth descriptions of how to develop, combine and calculate the domains into one performance level. LEAs are allowed to use a variety of evidence gathering techniques.

The fourth area is entitled “Standards of Use for Multiple Measures of Student Performance.” Multiple measures represent the other 50% of a teacher’s total rating and are divided into three categories each assigned a percentage factor by Act 82.

The first category is “Building Level Data” and it covers eight different measurements including exam results, graduation and promotion rates, and attendance data. It is 15% of a teacher’s total rating.

The second category, “Teacher Specific Data,” also comprises 15% of a teacher’s final rating. It consists of measures based upon student performance on assessments, value added assessment system data or the Pennsylvania Value-Added Assessment System data, student progress by means of individual education plans and locally developed school district rubrics.

The final area in the rating of classroom teachers is the "Elective Data" measure which may include various options regarding measures of student performance selected from a list provided annually by the Department. LEAs shall select and develop measures using a Student Learning Objective process. This area is 20% of a teacher's total rating.

Section 19.1 also includes provisions addressing record keeping and creation of alternative rating tools.

#### *Affected Parties*

Based on data for the 2011-2012 school year, the number of individuals and entities that may be directly affected by the final-omitted rulemaking includes approximately 150,980 professional staff, 1.765 million students, school districts, area vocational-technical schools, career technology centers and intermediate units.

#### *Benefits*

The rating tool will provide for a more effective evaluation of teacher performance in schools in this Commonwealth. The potential benefits of the rating tool are significant. It will enable LEAs and the Department to document possible trends in teacher effectiveness. Thereby, local administrators, the Department and State lawmakers will be able to identify teacher improvement programs that are successful and produce solid results in student learning, achievement and growth.

#### *Cost, Paperwork Estimates and Fiscal Impact*

The paperwork costs should be minimal. The Department will provide assistance to LEAs in using electronic formats that will reduce paperwork costs and reduce staff time allotted to tracking and filing evaluations.

Additional costs imposed by this final-omitted rulemaking will be minimal. Annual evaluations of teachers and semiannual evaluations of untenured teachers are already a standard function of LEAs across this Commonwealth.

The Department budget for educator effectiveness programs was approximately \$3.7 million in the current fiscal year. This total is projected to be \$1.6 million in 3 years. Therefore, costs will go down as the project proceeds.

#### *Effective Date*

This final-omitted rulemaking shall take effect on July 1, 2013. The phase-in for the rating tool will begin in 2013-2014 school year.

#### *Regulatory Review*

Under section 1123(j) of the act, this final-omitted rulemaking is exempt from the Regulatory Review Act.

#### *Contact Person and Information*

For further information, individuals may contact Deborah E. Wynn, Executive Policy Specialist, Office of Elementary and Secondary Education, Department of Education, 333 Market Street, Fifth Floor, Harrisburg, PA 17126-0333, (717) 783-1024, dewynn@pa.gov. Persons with disabilities may use fax (717) 214-2786 or TTY at (717) 783-8445.

#### *Order*

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

(a) The regulations of the Department, 22 Pa. Code, are amended by adding § 19.1 to read as set forth in Annex A.

(b) The Secretary of Education shall submit this order and Annex A to the Office of General Counsel for review and approval as to legality and form as required by law.

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

(d) This final-omitted rulemaking shall take effect on July 1, 2013.

WILLIAM E. HARNER, Ph.D.,  
*Acting Secretary*

**Fiscal Note:** 6-330. (1) General Fund;

(7) Teacher Professional Development; (2) Implementing Year 2012-13 is \$2,032,000; (3) 1st Succeeding Year 2013-14 is \$2,036,000; 2nd Succeeding Year 2014-15 through 5th Succeeding Year 2017-18 is \$0; (4) 2010-11 Program—\$21,153,000; 2009-10 Program—\$22,750,000; 2008-09 Program—\$39,698,000;

(7) PA Assessment; (2) Implementing Year 2012-13 is \$1,693,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$1,620,000; (4) 2010-11 Program—\$31,981,000; 2009-10 Program—\$37,620,000; 2008-09 Program—\$44,600,000;

(8) recommends adoption.

### **Annex A**

#### **TITLE 22. EDUCATION**

#### **PART I. STATE BOARD OF EDUCATION**

#### **Subpart A. MISCELLANEOUS PROVISIONS**

#### **CHAPTER 19. EDUCATOR EFFECTIVENESS RATING TOOL**

#### **§ 19.1. Classroom teacher effectiveness rating tool.**

The rating tool functions as a framework for the evaluation and summative process for classroom teachers, and is designed for local education agencies providing early childhood, elementary or secondary education across this Commonwealth. The tool is comprised of the form and instructions. The following rating form shall be used to record the results of the data collection process.

Commonwealth of Pennsylvania	DEPARTMENT OF EDUCATION	333 Market St., Harrisburg, PA 17126-0333
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**CLASSROOM TEACHER RATING FORM**

PDE 82-1 (4/13)

Last Name	First	Middle
District/LEA	School	
Rating Date:	Evaluation: (Check one)	<input type="checkbox"/> Semi-annual <input type="checkbox"/> Annual

**(A) Teacher Observation and Practice**

Domain	Title	*Rating* (A)	Factor (B)	Earned Points (A x B)	Max Points
I.	Planning & Preparation		20%		0.60
II.	Classroom Environment		30%		0.90
III.	Instruction		30%		0.90
IV.	Professional Responsibilities		20%		0.60
(1) Teacher Observation & Practice Rating					3.00

<i>*Domain Rating Assignment* 0 to 3 Point Scale (A)</i>	
Rating	Value
Failing	0
Needs Improvement	1
Proficient	2
Distinguished	3

**(B) Student Performance—Building Level Data, Teacher Specific Data, and Elective Data**

Building Level Score (0—107)		(3) Teacher Specific Rating	
(2) Building Level Score Converted to 3 Point Rating		(4) Elective Rating	

**(C) Final Teacher Effectiveness Rating—All Measures**

Measure	Rating (C)	Factor (D)	Earned Points (C x D)	Max Points
(1) Teacher Observation & Practice Rating		50%		1.50
(2) Building Level Rating		15%		0.45
(3) Teacher Specific Rating		15%		0.45
(4) Elective Rating		20%		0.60
Total Earned Points				3.00

Conversion to Performance Rating	
Total Earned Points	Rating
0.00-0.49	Failing
0.50-1.49	Needs Improvement
1.50-2.49	Proficient
2.50-3.00	Distinguished
Performance Rating	

Rating: Professional Employee, OR  Rating: Temporary Professional Employee

I certify that the above-named employee for the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ has received a performance rating of: (month/day/year) (month/day/year)

DISTINGUISHED  PROFICIENT  NEEDS IMPROVEMENT  FAILING

resulting in a FINAL rating of:

SATISFACTORY  UNSATISFACTORY

A performance rating of Distinguished, Proficient or Needs Improvement shall be considered satisfactory, except that the second Needs Improvement rating issued by the same employer within 10 years of the first final rating of Needs Improvement where the employee is in the same certification shall be considered unsatisfactory. A rating of Failing shall be considered unsatisfactory.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Designated Rater / Position:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief School Administrator

I acknowledge that I have read the report and that I have been given an opportunity to discuss it with the rater. My signature does not necessarily mean that I agree with the performance evaluation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee

Descriptions of the four domains in Part (A) Teacher Observation and Practice are summarized in Table A.

<b>Domain</b>	<b>Description</b>
<b>I. Planning &amp; Preparation</b> 20%	Effective teachers plan and prepare for lessons using their extensive knowledge of the content area, the relationships among different strands within the content and between the subject and other disciplines, and their students' prior understanding of the subject. Instructional outcomes are clear, represent important learning in the subject, and are aligned to the curriculum. The instructional design includes learning activities that are well sequenced and require all students to think, problem solve, inquire, and defend conjectures and opinions. Effective teachers design formative assessments to monitor learning, and they provide the information needed to differentiate instruction. Measures of student learning align with the curriculum, enabling students to demonstrate their understanding in more than one way.
<b>II. Classroom Environment</b> 30%	Effective teachers organize their classrooms so that all students can learn. They maximize instructional time and foster respectful interactions with and among students, ensuring that students find the classroom a safe place to take intellectual risks. Students themselves make a substantive contribution to the effective functioning of the class by assisting with classroom procedures, ensuring effective use of physical space, and supporting the learning of classmates. Students and teachers work in ways that demonstrate their belief that hard work will result in higher levels of learning. Student behavior is consistently appropriate, and the teacher's handling of infractions is subtle, preventive, and respectful of students' dignity.
<b>III. Instruction</b> 30%	In the classrooms of accomplished teachers, all students are highly engaged in learning. They make significant contributions to the success of the class through participation in high-level discussions and active involvement in their learning and the learning of others. Teacher explanations are clear and invite student intellectual engagement. The teacher's feedback is specific to learning goals and rubrics and offers concrete suggestions for improvement. As a result, students understand their progress in learning the content and can explain the learning goals and what they need to do in order to improve. Effective teachers recognize their responsibility for student learning and make adjustments, as needed, to ensure student success.
<b>IV. Professional Responsibilities</b> 20%	Accomplished teachers have high ethical standards and a deep sense of professionalism, focused on improving their own teaching and supporting the ongoing learning of colleagues. Their record-keeping systems are efficient and effective, and they communicate with families clearly, frequently, and with cultural sensitivity. Accomplished teachers assume leadership roles in both school and LEA projects, and they engage in a wide range of professional development activities to strengthen their practice. Reflection on their own teaching results in ideas for improvement that are shared across professional learning communities and contribute to improving the practice of all.

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Table B summarizes teacher performance levels for each of the Domain Rating Assignments and for the ratings to be assigned for each domain in the Rating (A) column.

<b>Domain</b>	<b>Failing</b>	<b>Needs Improvement</b>	<b>Proficient</b>	<b>Distinguished</b>
<b>I. Planning &amp; Preparation</b> 20%	Teacher's plans reflect little understanding of the content, the students, and available resources. Instructional outcomes are either lacking or inappropriate; assessment methodologies are inadequate.	Teacher's plans reflect moderate understanding of the content, the students, and available resources. Some instructional outcomes are suitable to the students as a group, and the approaches to assessment are partially aligned with the goals.	Teacher's plans reflect solid understanding of the content, the students, and available resources. Instructional outcomes represent important learning suitable to most students. Most elements of the instructional design, including the assessments, are aligned to the goals.	Teacher's plans, based on extensive content knowledge and understanding of students, are designed to engage students in significant learning. All aspects of the teacher's plans—instructional outcomes, learning activities, materials, resources, and assessments—are in complete alignment and are adapted as needed for individual students.



**Table B: Four Levels of Performance in Four Domains**

<b>Domain</b>	<b>Failing</b>	<b>Needs Improvement</b>	<b>Proficient</b>	<b>Distinguished</b>
<p><b>II. Classroom Environment</b> 30%</p>	<p>Classroom environment is characterized by chaos and conflict, with low expectations for learning, no clear standards of student conduct, poor use of physical space, and negative interactions between individuals.</p>	<p>Classroom environment functions somewhat effectively, with modest expectations for student learning and conduct, and classroom routines and use of space that partially support student learning. Students and the teacher rarely treat one another with disrespect.</p>	<p>Classroom environment functions smoothly, with little or no loss of instructional time. Expectations for student learning are high, and interactions among individuals are respectful. Standards for student conduct are clear, and the physical environment supports learning.</p>	<p>Students themselves make a substantive contribution to the smooth functioning of the classroom, with highly positive personal interactions, high expectations and student pride in work, seamless routines, clear standards of conduct, and a physical environment conducive to high-level learning.</p>
<p><b>III. Instruction</b> 30%</p>	<p>Instruction is characterized by poor communication, low-level questions, little student engagement or participation in discussion, little or no use of assessment in learning, and rigid adherence to an instructional plan despite evidence that it should be revised or modified.</p>	<p>Only some students are engaged in learning because of only partially clear communication, uneven use of discussion strategies, and only some suitable instructional activities and materials. The teacher displays some use of assessment in instruction and is moderately flexible in adjusting the instructional plan and in response to students' interests and their success in learning.</p>	<p>All students are engaged in learning as a result of clear communication and successful use of questioning and discussion techniques. Activities and assignments are of high quality, and teacher and students make productive use of assessment. The teacher demonstrates flexibility in contributing to the success of the lesson and of each student.</p>	<p>All students are highly engaged in learning and make material contributions to the success of the class through their participation in discussions, active involvement in learning activities, and use of assessment information in their learning. The teacher persists in the search for approaches to meet the needs of every student.</p>
<p><b>IV. Professional Responsibilities</b> 20%</p>	<p>The teacher demonstrates low ethical standards and levels of professionalism, with poor recordkeeping systems and skill in reflection, little or no communication with families or colleagues, and avoidance of school and LEA responsibilities and participation in activities for professional growth.</p>	<p>The teacher demonstrates moderate ethical standards and levels of professionalism, with rudimentary recordkeeping systems and skills in reflection, modest communication with families or colleagues, and compliance with expectations regarding participation in school and LEA projects and activities for professional growth.</p>	<p>The teacher demonstrates high ethical standards and a genuine sense of professionalism by engaging in accurate reflection on instruction, maintaining accurate records, communicating frequently with families, actively participating in school and LEA events, and engaging in activities for professional development.</p>	<p>The teacher's ethical standards and sense of professionalism are highly developed, showing perceptive use of reflection, effective systems for recordkeeping and communication with families, leadership roles in both school and LEA projects, and extensive professional development activities. Where appropriate, students contribute to the systems for recordkeeping and family communication.</p>

From *Enhancing Professional Practice: A Framework for Teachers, 2nd Edition* (pp. 41-42), by Charlotte Danielson, Alexandria, VA: ASCD. © 2007 by ASCD. Adapted and reproduced with permission.

## INSTRUCTIONS FOR RATING TOOL—STANDARDS OF USE

The rating form and related documents are available at the Department's website in electronic versions and Excel worksheet format for scoring and rating tabulation.

### (I.) Definitions.

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

**Assessment**—The term shall mean the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or required to achieve other standards established by the Department for the school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

**Chief School Administrator**—An individual who is employed as a school district superintendent, an executive director of an intermediate unit or a chief school administrator of an area vocational-technical school or career technology centers.

**Classroom Teacher**—A professional or temporary professional employee who provides direct instruction to students related to a specific subject or grade level and usually holds one of the following:

Instructional I Certificate (see § 49.82),

Instructional II Certificate (see § 49.83),

Vocational Instructional I Certificate (see § 49.142), and

Vocational Instructional II Certificate (see § 49.143).

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

**Distinguished**—The employee's performance consistently reflects teaching at the highest level of practice.

**District-designed measures and examinations, and locally developed school district rubrics**—A measure of student performance created or selected by an LEA. The development or design of the measure shall be documented via a Student Learning Objective.

**Education Specialist**—A person who holds an educational specialist certificate issued by the Commonwealth, including a certificate endorsed in the area of elementary school counselor, secondary school counselor, social restoration, school nurse, home and school visitor, school psychologist, dental hygienist, instructional technology specialist or nutrition service specialist.

**Employee**—A person who is a professional employee or temporary professional employee.

**Failing**—The employee does not meet performance expectations required for the position.

**Keystone Exam**—An assessment developed or caused to be developed by the Department pursuant to 22 Pa. Code § 4.51 (relating to state assessment system).

**LEA**—A local education agency, including a public school district, area vocational-technical school, career technology center and intermediate unit, which is required to use a rating tool established pursuant to section 1123 of the Public School Code (24 P. S. § 11-1123).

**Needs Improvement**—The employee is functioning below proficient for performance expectations required for continued employment.

**Nonteaching Professional Employee**—A person who is an education specialist or a professional employee or temporary professional employee who provides services other than classroom instruction.

**Performance Improvement Plan**—A plan, designed by an LEA with input of the employee, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the results of the rating provided for under this chapter.

**Principal**—A building principal, an assistant principal, a vice principal or a director of vocational education.

**Professional Employee**—An individual who is certified as a teacher, supervisor, principal, assistant principal, vice-principal, director of vocational education, dental hygienist, visiting teacher, home and school visitor, school counselor, child nutrition program specialist, school nurse, or school librarian.

**Proficient**—The employee's performance consistently reflects practice at a professional level.

**PSSA**—The Pennsylvania System of School Assessment established in 22 Pa. Code § 4.51 (relating to state assessment system).

**PVAAS**—The Pennsylvania Value-Added Assessment System established in compliance with 22 Pa. Code § 403.3 (relating to single accountability system) and its data made available by the Department under Section 221 of the Public School Code (24 P. S. § 2-221).

**SLO**—The Student Learning Objective is a record of the development and application of student performance measures selected by an LEA. It documents the process used to determine a student performance measure and validate its assigned weight. This record will provide for quality assurance in rating a student performance measure on the zero-to-three-point rating scale.

**Temporary Professional Employee**—An individual who has been employed to perform for a limited time the duties of a newly created position or of a regular professional employee whose service has been terminated by death, resignation, suspension or removal.

### (II.) General Provisions.

1. The rating of an employee shall be performed by or under the supervision of the chief school administrator, or, if so directed by the chief school administrator, by an assistant administrator, a supervisor or a principal, who has supervision over the work of the professional employee or temporary professional employee being rated, provided that no unsatisfactory rating shall be valid unless approved by the chief school administrator. (24 P. S. § 11-1123(h)(3))

2. The rating form shall be marked to indicate whether the employee is a professional employee or temporary professional employee.

3. A temporary professional employee must be notified as to the quality of service at least twice a year. (24 P. S. § 11-1108)

4. The rating form includes four measures or rated areas: Teacher Observation and Practice, Building Level, Teacher Specific, and Elective. Application of each measure is dependent on the availability of data. A rating in the range of zero to three based on the "0 to 3 Point Scale" must be given to each of the four rating areas.

5. Teacher Observation and Practice is divided into four domains: I. Planning and Preparation; II. Classroom Environment; III. Instruction; and IV. Professional Responsibilities. For each domain, an employee must be given a rating of zero, one, two or three which is based on classroom observation, practice models, evidence or documented artifacts.

6. The Building Level Score will be provided by the Department or its designee, and published annually on the Department’s website.

7. The Teacher Specific Rating will include statewide assessments and value-added assessment system data if and when such data is available.

8. Data, ratings and weights assigned to measures for locally developed school district rubrics, progress in meeting the goals of student individualized education plans, and the Elective Rating must be recorded by a process provided by the Department.

9. Each of the four measures in Final Teacher Effectiveness Rating shall be rated on the zero-to-three-point scale. Each number in Rating (C) shall be multiplied by the Factor (D) and the sum of the Earned Points or Total Earned Points shall be converted into a Performance Rating using the table marked Conversion to Performance Rating.

10. An overall performance rating of Distinguished or Proficient shall be considered satisfactory.

11. An initial overall performance rating of Needs Improvement shall be considered satisfactory.

12. The second overall performance rating of Needs Improvement issued by the same employer within 10 years of the first rating of Needs Improvement where the employee is in the same certification shall be considered unsatisfactory.

13. For professional employees, two consecutive overall unsatisfactory ratings, which include classroom observations, and are not less than four months apart, shall be considered grounds for dismissal.

14. No temporary professional employee shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished the employee within 10 days following the date of such rating.

15. An employee who receives an overall performance rating of Needs Improvement or Failing must participate in a performance improvement plan. No employee will be rated Needs Improvement or Failing based solely on student test scores.

16. The rating form shall be marked to indicate the appropriate performance rating and whether the overall final rating is satisfactory or unsatisfactory.

17. The rating form must be signed by the chief school administrator or by a designated rater, who is an assistant administrator, supervisor or principal, has supervision over the work of the professional employee or temporary professional employee being rated, and is directed by the chief school administrator to perform the rating.

18. A final rating of unsatisfactory will not be valid unless signed by the chief school administrator.

19. A signed copy of the rating form shall be provided to the employee.

20. The rating tool is not intended to establish mandates or requirements for the formative process of supervising classroom teachers.

21. This rating form, section or chapter may not be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a classroom teacher, based on information and data available at the time of the action.

**(III.) Standards of Use for Teacher Observation and Practice.**

Part (A) “Teacher Observation and Practice” in the rating form shall be completed using the following standards, calculations and procedures.

(a) *Teacher observation and practice domains.* The rating of a classroom teacher for effectiveness in teacher practice shall be based on classroom observation or other supervisory methods. Teacher practice shall comprise 50% of the Final Teacher Effectiveness Rating of the employee. The percentage factor for each domain is listed in Table C:

Table C: Four Domains	
Domains	% of 50% allotment
I. Planning and preparation.	20.0
II. Classroom environment.	30.0
III. Instruction.	30.0
IV. Professional responsibilities.	20.0

(b) *Summative process of evaluation.* LEAs shall utilize classroom practice models (e.g., Danielson, *Enhancing Professional Practice: A Framework for Teaching*) that address the areas related to classroom observation and practice contained in section 1123(1)(i) of the Public School Code (24 P. S. § 11-1123(1)(i)) and are approved by the Department. The Department shall publish a list of approved practice models for assessing the four domains annually on the Department’s website. A classroom teacher must be given a rating in each of the four domains. In determining a rating for an employee, an LEA may use any portion or combination of the practice models related to the domains. The four domains and classroom practice models establish a framework for the summative process of evaluating classroom teachers. The form and standards do not impose mandates on the supervisory and formative processes utilized by an LEA.

(c) *Evidentiary sources.* Teacher observation and practice evaluation results and ratings shall be based on evidence. Information, including dates and times, if applicable, on the source of the evidence shall be noted in the employee’s record. As appropriate for the employee and their placement in a classroom and educational program, records may include, but not be limited to, any combination of the following items:

(1) Notations of classroom observations, teacher/rater conferences or interviews, or informal observations or visits, including dates for observations, interviews and conferences.

(2) Lesson unit plans (types, titles and numbers), materials, technology, teacher resource documents, visual technology, utilization of space, student assignment sheets,

student work, instructional resources, student records, grade book, progress reports and report cards.

- (3) Interaction with students' family members.
- (4) Family, parent, school and community feedback.
- (5) Act 48 documentation.
- (6) Use of teaching and learning reflections.
- (7) Examination of sources of evidence provided by the teacher.

The documentation, evidence and findings of the rater shall provide a basis for the rating of the employee in the domains of teacher observation and practice.

(d) *Scoring.* An LEA must provide a rating score in each domain. The four teacher observation and practice domains shall be rated and scored on a zero-to-three-point scale. The ratings of Failing, Needs Improvement, Proficient and Distinguished are given numeric values as shown in Table D.

<i>Performance Rating</i>	<i>Value</i>
Failing	0
Needs Improvement	1
Proficient	2
Distinguished	3

(e) *Ratings and weighted scoring.* The four domains of teacher observation and practice in Part (A) of the form are each assigned a percentage factor. Each domain shall be scored on the "0-to-3-point scale." The individual score or rating for each domain is adjusted by the percentage factor attributed to that domain. The score of zero, one, two or three for each domain is calculated into points based on its percentage factor. The sum of the points for all domains will be the total Teacher Observation and Practice Rating. The calculation for each domain is set forth in Table E.

<i>Domain</i>	<i>Title</i>	<i>Rating (A)</i>	<i>Factor (B)</i>	<i>Earned Points (A x B)</i>	<i>Max Points</i>
I.	Planning & Preparation		20%		0.60
II.	Classroom Environment		30%		0.90
III.	Instruction		30%		0.90
IV.	Professional Responsibilities		20%		0.60
<i>Teacher Observation &amp; Practice Points/Rating</i>					3.00

(f) *Administrative action based on available data.* Nothing in these standards of use for teacher observation and practice, this section or this chapter shall be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a classroom teacher, based on information and data available at the time of the action.

#### **(IV.) Standards of Use for Multiple Measures of Student Performance.**

Student Performance is comprised of Building Level, Teacher Specific and Elective data. In total, these three measures are 50% of the Final Teacher Effectiveness Rating for a classroom teacher. Each area has a prescribed percentage factor of the performance rating as described in Table F.

<i>Multiple Measure Rating Area</i>	<i>Factor</i>
Building Level Rating	15%
Teacher Specific Rating	15%
Elective Rating	20%

(a) *Building level data.*

(1) For the purposes of Paragraph (IV) relating to Standards of Use for Multiple Measures of Student

Performance, the term "building" shall mean a school or configuration of grades that is assigned a unique four-digit identification number by the Department unless the context clearly indicates otherwise.

(2) This area comprises 15% of the Final Teacher Effectiveness Rating. Building level data shall include, but is not limited to, the following when data is available and applicable to a building where the educator provides service:

(i) Student performance on assessments.

(ii) Value-added assessment system data made available by the Department under section 221 of the Public School Code (24 P. S. § 2-221).

(iii) Graduation rate as reported to the Department under section 222 of the Public School Code (24 P. S. § 2-222).

(iv) Promotion rate.

(v) Attendance rate as reported to the Department under section 2512 of the Public School Code (24 P. S. § 25-2512).

(vi) Industry certification examinations data.

(vii) Advanced placement course participation.

(viii) Scholastic aptitude test and preliminary scholastic aptitude test data.

(3) The Department or its designee will provide the Building Level Score for each building within an LEA based on available data. LEA building data will be

published annually on the Department’s website. An explanation of the calculation of the building level data and the weight given to each measure utilized for a specific building will be published annually on the Department’s website. The Department may add to the list of measures for building level data set forth in Paragraph (IV)(a)(2). Notice of these changes will be published on the Department’s website.

(4) Each LEA shall utilize the conversions in Table G below to calculate the Building Level Rating for each building with eligible building level data.

<i>Building Level Score</i>	<i>0—3 Rating Scale*</i>
90.0 to 107	2.50—3.00
70.0 to 89.9	1.50—2.49
60.0 to 69.9	0.50—1.49
00.0 to 59.9	0.00—0.49

\*The Department will publish the full conversion table on its website.

LEAs shall add the Building Level Rating to (B)(2) and (C)(2) of the Rating Form.

(5) For classroom teachers in positions for which there is no Building Level Score reported on the Department website, the LEA shall utilize the rating from the teacher observation and practice portion of the rating form in Part (A)(1) in place of the Building Level Rating.

(b) *Teacher specific data.*

(1) Teacher specific data shall comprise 15% of the Final Teacher Effectiveness Rating. Teacher specific data shall include, but is not limited to, the following when data is available and applicable to a specific classroom teacher:

- (i) Student performance on assessments.
- (ii) Value-added assessment system data made available by the Department under section 221 (24 P. S. § 2-221).

(iii) Progress in meeting the goals of student individualized education plans required under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(iv) Locally developed school district rubrics.

Any data used for a rating must be attributable to the specific classroom teacher who is being evaluated and rated.

(2) The following provisions in this subparagraph apply to teacher specific measures based on assessments and value-added assessment system data (Paragraphs (IV)(b)(1)(i) and (ii)).

(i) The portion of the Teacher Specific Rating related to assessments (Paragraph (IV)(b)(1)(i)) shall be calculated annually for a classroom teacher with available assessment data based upon a percentage of students who score proficient or advanced on the assessments. The Department or its designee will provide the performance level results for each student to the LEA. The LEA shall utilize the conversions in Table H below to rate the classroom teacher’s rating on a zero to three scale.

<i>% Students at Proficient or Advanced</i>	<i>0—3 Rating Scale</i>
95—100%	3.0
90—94.9%	2.5
80—89.9%	2.0
70—79.9%	1.5
65—69.9%	1.0
60—64.9%	0.5
Below 60%	0.0

(ii) Any score based upon student performance on assessments (Paragraph (IV)(b)(1)(i)) for a classroom teacher with available assessment data shall comprise not more than 5% of the classroom teacher’s Final Teacher Effectiveness Rating.

(iii) For the purposes of this section, the portion of the Teacher Specific Rating related to value-added assessment system data made available by the Department under section 221 of the Public School Code (24 P. S. § 2-221) (Paragraph (IV)(b)(1)(ii)) shall be known as PVAAS data.

(iv) Any PVAAS data score attributable to a classroom teacher shall be based on a rolling average of available assessment data during the most recent three consecutive school years.

(v) The Department or its designee will provide the initial 3 year average PVAAS data score to LEAs based on PVAAS data from school years 2013-2014, 2014-2015 and 2015-2016, and will provide the PVAAS rating every year thereafter for classroom teachers with three consecutive school years of PVAAS rating data.

(vi) Each LEA shall use the PVAAS data score provided by the Department or its designee and the conversions in Table I below to calculate a classroom teacher’s rating on the zero to three rating scale.

<i>PVAAS Score</i>	<i>0—3 Scale*</i>
90.0 to 100	2.50—3.00
70.0 to 89.9	1.50—2.49
60.0 to 69.9	0.50—1.49
00.0 to 59.9	0.00—0.49

\*The Department will publish the full conversion table on its website.

(vii) A score based upon available PVAAS data shall comprise not less than 10% of the classroom teacher’s Final Teacher Effectiveness Rating.

(viii) The Department or its designee will annually publish on the Department’s website an explanation for the PVAAS data based on the value-added assessment system data (Paragraph (IV)(b)(1)(ii)).

(ix) Whenever PVAAS data is unavailable for evaluation, other data may be substituted under the following conditions:

(A) In school year 2013-2014, an LEA shall use the rating from Subpart (A)(1) of the Teacher Observation and Practice Rating for a classroom teacher with PVAAS

data in place of the portion of the Teacher Specific Rating based on assessments and value-added assessment system data (Paragraphs (IV)(b)(2)(i) to (vii)) in Subparts (B)(3) and (C)(3) of the rating form.

(B) Starting in school year 2014-2015 and every school year thereafter, if three consecutive school years of PVAAS data are unavailable for the rating of a classroom teacher who provides direct instruction in subjects or grades subject to the assessments, an LEA shall use ratings developed through SLOs for data relating to "progress in meeting the goals of student individualized education plans required under the Individuals with Disabilities Education Act" (IEPs progress) if applicable, and locally developed school district rubrics (Paragraph (IV)(b)(3)).

(3) The following provisions in this subparagraph apply to teacher specific measures based on data related to IEPs progress and locally developed school district rubrics (Paragraphs (IV)(b)(1)(iii) and (iv)).

(i) The portion of the Teacher Specific Rating based on IEPs progress (Paragraph (IV)(b)(1)(iii)) shall be developed by the LEA and validated through an SLO pursuant to Paragraph (IV)(c)(2).

(ii) Any score attributable to a classroom teacher relating to IEP progress (Paragraph (IV)(b)(1)(iii)) and calculated through an SLO shall comprise no more than 5% of the classroom teacher's Final Teacher Effectiveness Rating.

(iii) The portion of the Teacher Specific Rating related to locally developed school district rubrics as listed in Paragraph (IV)(b)(1)(iv) may be based upon rubrics created by the LEA or an LEA may select a measure available through Paragraph (IV)(c) relating to Elective Data. An LEA shall utilize an SLO as set forth in Paragraph (IV)(c)(2) of this section to measure and validate a locally developed school district rubric.

(iv) Any score obtained from locally developed school district rubrics shall comprise not more than 5% of the Final Teacher Effectiveness Rating for a classroom teacher with PVAAS data as defined in Paragraph (IV)(b)(2)(iii).

(v) For a classroom teacher without any attributable assessment or PVAAS data (Paragraphs (IV)(b)(1)(i) and (ii)), or data related to IEP progress (Paragraph (IV)(b)(1)(iii)), the locally developed school district rubric or rubrics as described in Paragraphs (IV)(b)(1)(iv) and (b)(3)(iii) shall comprise no more than 15% of a classroom teacher's Final Teacher Effectiveness Rating.

(vi) For classroom teachers with no assessment data, no PVAAS data and no SLOs for IEP progress or locally developed school district rubrics in school year 2013-2014, an LEA shall use the rating from Subpart (A)(1) for total Teacher Observation and Practice Rating for a classroom teacher in Subparts (B)(3) and (C)(3) of the rating form.

(4) If a classroom teacher, who is working or has worked for other LEAs in the Commonwealth, is being considered for employment by a different LEA, the prospective employer may ask the teacher for written authorization to obtain the teacher's teacher specific data from a current or previous employer to provide for the continuity of the 3 year rolling average described in Paragraph (IV)(b)(2)(iv).

(c) *Elective data.*

(1) This third area will comprise 20% of the Final Teacher Effectiveness Rating. Elective Data shall consist

of measures of student achievement that are locally developed and selected by the LEA from a list approved by the Department and published in the Pennsylvania Bulletin by June 30 of each year, including, but not limited to, the following:

- (i) District-designed measures and examinations.
- (ii) Nationally recognized standardized tests.
- (iii) Industry certification examinations.
- (iv) Student projects pursuant to local requirements.
- (v) Student portfolios pursuant to local requirements.

(2) LEAs shall use an SLO to document the process to determine and validate the weight assigned to Elective Data measures that establish the Elective Rating. An SLO shall be used to record and verify quality assurance in validating measures of Elective Data, IEPs progress or locally developed school district rubrics on the zero-to-three-point scale and the assigned weight of a measure in the overall performance rating of a classroom teacher. The Department will provide direction, guidance and templates for LEAs to use SLOs in selecting, developing and applying Elective Data measures.

(3) All LEAs shall have SLOs in place for collecting Elective Data and ratings for school year 2014-2015. If Elective Data is unavailable in school year 2013-2014, an LEA shall use the rating in Subpart (A)(1) total Teacher Observation and Practice Rating of the form for a classroom teacher. The rating from Subpart (A)(1) in the form shall be used in Subparts (B)(4) and (C)(4) for the 20% of the classroom teacher's overall performance rating.

(4) If multiple Elective Data measures are used for one classroom teacher, the LEA shall determine the percentage weight given to each Elective Data measure.

(d) *Transfer option.* A classroom teacher who transfers from one building, as defined for building level data (Paragraph (IV)(a)(1)), to another within an LEA, shall have the option of using the Teacher Specific Rating in place of the Building Level Rating for the employee's evaluation in the new placement for two school years starting on the date when the classroom teacher begins the assignment in the new location. A classroom teacher who elects this option shall sign a statement of agreement giving the LEA permission to calculate the final rating using this method.

(e) *Administrative action based on available data.* Nothing in these standards of use for multiple measures of student performance, this section or this chapter shall be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a classroom teacher, based on information and data available at the time of the action.

#### **(V) Recordkeeping: Maintenance of Rating Tool Data, Records and Forms**

(a) *Records to be maintained.* It shall be the duty of the LEA to establish a permanent record system containing ratings for each employee within the LEA and copies of all her or his ratings for the year shall be transmitted to the employee upon her or his request; or if any rating during the year is unsatisfactory copy of same shall be transmitted to the employee concerned. No employee shall be dismissed for incompetency or unsatisfactory performance unless such rating records have been kept on file by the LEA.

(b) *Reporting of data restricted to aggregate results.* Pursuant to Section 1123(i) of the Public School Code

11-1123(i), LEAs shall provide to the Department the aggregate results of all classroom teacher evaluations.

(c) *Confidentiality.* Each LEA shall maintain records in accordance with Section 708(b)(7) of the act of February 14, 2008 (P. L. 6, No. 3), known as the “Right-to-Know Law,” (65 P. S. § 67.708(b)(7)), and Sections 221(a)(1) and 1123(p) of the Public School Code (24 P. S. §§ 2-221(a)(1) and 11-1123(p)).

**(VI.) LEA Alternative Rating Tool.**

The Department will review at the request of an LEA an alternative rating tool that has been approved by the LEA governing board. The Department may approve for a maximum period of not more than five years any alternative rating tool that meets or exceeds the measures of effectiveness established under 24 P. S. § 1123.

[Pa.B. Doc. No. 13-1115. Filed for public inspection June 21, 2013, 9:00 a.m.]

**Title 49—PROFESSIONAL  
AND VOCATIONAL  
STANDARDS**

**STATE BOARD OF MEDICINE**

**[ 49 PA. CODE CH. 16 ]**

**Prescribing**

The State Board of Medicine (Board) amends § 16.92 (relating to prescribing, administering and dispensing) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

The final-form rulemaking is authorized under section 8 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.8).

*Background and Purpose*

Poisoning is the leading cause of accidental death in the United States, and nine out of ten poisoning deaths are related to prescription drug overuse or abuse. See Warner M., et al. (2011). “Drug poisoning deaths in the United States, 1980—2008.” National Center for Health Statistics data brief, no 81. In this Commonwealth and 29 other states, poisoning is the leading cause of injury death. States must take steps to reverse this preventable cause of death.

While the Board already had in place a regulation to provide safeguards for physicians prescribing, administering and dispensing controlled substances, the Board failed to address and provide similar safeguards related to noncontrolled prescription drugs. Requiring the same safeguards for noncontrolled prescription drugs would be unnecessary and overly burdensome because most noncontrolled prescription drugs, such as antibiotics, are used very safely and are not drugs of abuse themselves or used in association with drugs of abuse. As more fully set forth in the proposed rulemaking published at 42 Pa.B. 1122 (March 3, 2012), the Board identified three noncontrolled drugs with sufficiently similar propensities for abuse or use in combination with drugs of abuse to

controlled substances, and for which there are numerous cases reported of fatal overdose, to warrant placing additional requirements on physicians who prescribe, administer and dispense these drugs.

*Summary of Comments and Responses to Proposed Rule-making*

*Comments from the public*

The proposed rulemaking was published at 42 Pa.B. 1122. The Board received comments from the Pennsylvania Pharmacists Association; JNESCO District Council 1, IUOE/AFL-CIO; the Pennsylvania Medical Society; and Kalogredis, Sansweet, Dearden and Burke, Ltd. (KSDB) on behalf of Troy Pharmacy. In addition, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC).

The Pennsylvania Pharmacists Association stated that it supported the proposed rulemaking as written. JNESCO, on behalf of 5,000 nurses and health care workers, wrote in support of the proposed rulemaking, noting that “it is vital to monitor those substances that have the potential to be improperly prescribed” and that health care workers have a “moral, ethical and legal obligation to ensure the safety and well-being of the patients we serve.” JNESCO noted that the Commonwealth would be the 17th state to further regulate these drugs. The Board appreciates the support of these groups.

The Pennsylvania Medical Society, representing about 17,000 physicians, residents and medical students, wrote in support of the proposed rulemaking and applauded the Board for tackling prescription drug abuse and diversion. The Pennsylvania Medical Society agreed that butalbital, carisoprodol and tramadol hydrochloride are medications with the potential for overuse or abuse with potential fatal side effects. The Pennsylvania Medical Society also noted with approval the Board’s emphasis on ensuring that the doctor-patient relationship is paramount prior to prescribing medications. The Board appreciates the support of the Pennsylvania Medical Society.

KSDB wrote in opposition to the proposed rulemaking. They viewed the proposed rulemaking as an attempt to classify the three drugs as controlled substances, which it viewed as the proper role of the Federal Drug Enforcement Administration (DEA), and stated that the Board was attempting to bypass the DEA drug review system for adding or deleting controlled substances.

This final-form rulemaking does not attempt to reclassify the three drugs. As noted by KSDB, at the Federal level, the DEA is involved in the classification of drugs as controlled substances. In fact, on December 12, 2011, the Administrator of the DEA issued a final rulemaking placing carisoprodol into Schedule IV on the Federal list of controlled substances. See 21 CFR 1308 (relating to schedules of controlled substances).

The Controlled Substance, Drug, Device and Cosmetic Act (Drug Act) (35 P. S. §§ 780-101—780-144) contains the listing of substances controlled in this Commonwealth and vests authority to control substances listed in the statutory schedules with the Secretary of Health. The Board is not seeking to amend the Drug Act. Rather, the Board is regulating the practice of medicine within this Commonwealth.

KSDB also suggested that the Board’s proposed rulemaking violated the Commerce Clause of the United States Constitution because it would “force non PA licensed medical practitioners to follow onerous ‘controlled

drug' procedures to prescribe these drugs, rather than prescribing them as non controlled drugs which is permitted in their home state" thereby discriminating "against out of state licensed physicians prescriptions being dispensed by a PA licensed pharmacy." The Board disagrees with KSDB's statement that Board regulations must be followed by physicians who are not licensed in this Commonwealth and who are not practicing in this Commonwealth. Physicians are required to follow the laws and regulations of the state in which they are practicing.

*Comments from HPLC and IRRC*

The HPLC submitted comments to the Board on April 4, 2012. The HPLC first suggested that § 16.92(b)(2) may need to be clarified as to who does the reevaluation and that the reevaluation should become part of the medical record or that subsection (b)(2) should be moved to subsection (b)(4)(ii) so it becomes part of the written medical record. Reevaluations may be done by the same practitioner that can perform an initial evaluation. As set forth in § 16.92(b), a licensed physician or physician assistant shall carry out or cause to be carried out the functions in § 16.92(b)(1)–(8). Reevaluations shall be recorded in the medical record for several reasons. Section 16.92(b)(4) states that accurate and complete medical records must document the evaluation and care received by patients. Section 16.95(a) (relating to medical records) provides that a physician shall maintain medical records which accurately, legibly and completely reflect the evaluation and treatment of the patient. Reevaluation is, of course, a subset of evaluation. For these reasons, the Board does not believe § 16.92(b)(2) requires clarification.

Similarly, the HPLC suggested that § 16.92(b)(3) may need to be clarified in regard to who does counseling. As previously noted, the provisions of § 16.92(b) shall be carried out by or be caused to be carried out by a licensed physician or physician assistant. The Board does not believe it is necessary to repeat the provisions of subsection (b) in each of the paragraphs under subsection (b).

The HPLC recommended that the Board use "licensed health care provider" consistently throughout the regulation. The Board agrees and added "licensed" to § 16.92(b)(4)(i)(A) and (8).

IRRC questioned the Board's assertion in the proposed rulemaking that there would not be additional costs or additional recordkeeping associated with the rulemaking, noting that it appeared that the more stringent requirements for evaluations, which necessitate recording evaluations, would likely impact the regulated community in both additional costs and recordkeeping requirements. The Board amended the fiscal costs statement and the regulatory analysis to acknowledge those potential costs to the regulated community as suggested.

IRRC questioned whether "or cause to be carried out" might be exploited by unscrupulous practitioners to circumvent the intent of the final-form rulemaking and suggested the Board consider clarifying the phrase. The regulation applies to physicians and physician assistants and only physicians are authorized to delegate the performance of medical services. The Board is confident that physicians know to whom they are permitted to delegate particular tasks and understand that "or cause to be carried out," which has been in the Board's regulation for many years, makes the physician responsible for a task delegated to another. Therefore, the Board declines to add additional language related to the phrase.

IRRC noted that, although an initial medical history and physical examination are required, the medical re-

records are not required to include documentation of the initial medical history and physical examination of a patient. The Board disagrees. The Board's recordkeeping regulation, § 16.95, requires a physician to maintain medical records for patients which accurately, legibly and completely reflect the evaluation and treatment of the patient, which would include the initial medical history and results of a physical examination. In addition, § 16.92(b)(4) states that "accurate and complete medical records must document the evaluation and care received by patients." As amended in the final-form rulemaking, § 16.92(b)(4)(ii) requires documentation of the name, strength and quantity of a drug and the date on which a drug was prescribed, administered or dispensed, as well as any change in the patient's symptoms, diagnosis or directions for drug use.

IRRC also suggested that subsection (b)(4) be amended to require documentation in the medical record of the periodic reevaluations required under subsection (b)(2). The Board believes that §§ 16.92(b)(4) and 16.95 already require documentation of reevaluations. Nevertheless, the Board amended § 16.92(b)(4)(ii)(B) to more specifically require recording information obtained on reevaluation.

IRRC questioned the exemption of a patient in an inpatient care setting from counseling regarding possible side effects. IRRC suggested adding "possible side effects" to the counseling requirements in the first sentence of subsection (b)(3) and deleting "possible side effects" from the exemption in the second sentence of subsection (b)(3). The first sentence of subsection (b)(3) is a general statement requiring patients to be counseled regarding the condition diagnosed and the drug prescribed, administered or dispensed. This general statement would not benefit from adding one particular aspect of counseling, that is, counseling about possible side effects. The second sentence of subsection (b)(3) serves two purposes: it elaborates on the content of the counseling generally required; and it exempts a patient in an inpatient care setting from the counseling requirement. Generally, patients treated in an outpatient setting are counseled on the drug, dosage, duration and other instructions for use because they are expected to administer the prescribed drugs to themselves. In an inpatient setting, it is usually the medical/nursing staff of the facility that will be administering the drugs and monitoring the patient for possible side effects. Additionally, a patient in an inpatient care setting may be unconscious, under anesthesia or otherwise incapable of counseling. A patient in an inpatient care setting may be in cardiac arrest or other emergent condition, such as in an emergency room or intensive care unit, where delaying the prescription and administration of a drug until the patient can be counseled could cause patient death. The patient counseling provision in this final-form rulemaking is identical to the patient counseling provision in the existing regulation and no problems with the provision have been brought to the Board's attention. The Board therefore declines the suggested edit to subsection (b)(3).

IRRC suggested that the information in subsection (b)(4)(i) and (ii) should be specifically required to be recorded in the medical record on and after the initial occasion when a drug is prescribed. The Board agrees and amended the final-form rulemaking accordingly.

IRRC raised several additional issues related to clarity of the rulemaking. IRRC suggested that the Board consider including a reference to the appropriate section of the act regarding penalties for noncompliance with the proposed rulemaking. None of the other provisions in



Subchapter F (relating to minimum standards of practice) include this reference and it is understood that failure to comply may result in disciplinary action. The Board declines to add the reference to the final-form rule-making.

IRRC suggested that the Board use “licensed health care provider” consistently in the regulation. The Board made amendments to do so in this final-form rulemaking.

IRRC asked if a prescription relayed electronically to a pharmacist meets the requirement in subsection (b)(5) that an emergency oral prescription be covered by a written prescription delivered to the pharmacist within 72 hours. This requirement is virtually identical to the Department of Health regulation in 28 Pa. Code § 25.45 (relating to emergency oral prescription). The DEA amended 21 CFR Parts 1300, 1304, 1306 and 1311 at 75 FR 16236 (March 31, 2010) to provide health care practitioners the option of transmitting prescriptions for controlled substances electronically. The Department of Health published a notice concerning electronically transmitted prescriptions at 40 Pa.B. 7160 (December 11, 2010). In this notice, the Department of Health clarified its position on whether the electronic transmission of prescriptions to a pharmacy is an acceptable practice for the medical and pharmaceutical communities under the Drug Act and its regulations. The notice clarified the Department’s interpretation that a prescription transmitted electronically or by facsimile constitutes a “written order on a prescription blank” and that an electronically-transmitted prescription for a controlled substance is considered to be typewritten, provided that the transmission of the prescription otherwise complies with Federal and State laws and regulations, including the Board’s regulations. Additionally, the State Board of Pharmacy amended § 27.201(b)(5) (relating to electronically transmitted prescriptions) to provide that “the electronic transmission of a prescription . . . is considered a written prescription order.” The Board believes the regulated community understands that a “written prescription” may now be transmitted electronically, so long as the licensed health care practitioner complies with the applicable Federal and State laws and regulations.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact and will not impose additional paperwork requirements on the Commonwealth or its political subdivisions. Physicians prescribing, administering or dispensing the three additional drugs will need to ensure proper examinations of patients to assess the appropriateness of prescribing these three drugs and keep medical records that accurately reflect the care provided to patients. If there are physicians who are not already examining patients to assess the appropriateness of prescribing these three drugs, these physicians will need to conform to the regulation. Because of the high potential for abuse, misuse, dependency and possible death associated with these three drugs, the Board speculates that few physicians are currently prescribing these drugs without first carrying out, or causing to be carried out, an examination of the patient and appropriate documentation in the medical record.

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 22, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 1122, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 9, 2013, the final-form rulemaking was approved by the HPLC. On May 15, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 16, 2013, and approved the final-form rulemaking.

*Contact Person*

Interested persons may obtain information regarding the final-form rulemaking by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, tlazo@pa.gov.

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided (as required by law and the comments were considered).
- (3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 1122.
- (4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in this preamble.

*Order*

The Board orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 16, are amended by amending § 16.92 to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

JAMES W. FREEMAN, MD,  
*Chairperson*

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3067 (June 1, 2013).)

**Fiscal Note:** Fiscal Note 16A-4933 remains valid for the final adoption of the subject regulation.

## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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

## Subchapter F. MINIMUM STANDARDS OF PRACTICE

## § 16.92. Prescribing, administering and dispensing.

(a) For purposes of this section, “drug” includes the following:

(1) Controlled substances under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) or substances that are controlled substances under Federal law.

(2) Carisoprodol or agents in which carisoprodol is an active ingredient.

(3) Butalbital or agents in which butalbital is an active ingredient.

(4) Tramadol hydrochloride or agents in which tramadol hydrochloride is an active ingredient.

(b) When prescribing, administering or dispensing drugs regulated under this section, a person licensed to practice medicine and surgery in this Commonwealth or otherwise licensed or regulated by the Board shall carry out, or cause to be carried out, the following minimum standards:

(1) *Initial medical history and physical examination.* An initial medical history shall be taken and an initial physical examination shall be conducted unless emergency circumstances justify otherwise. Medical history and physical examination information recorded by another licensed health care provider may be considered if the medical history was taken and the physical examination was conducted within the immediately preceding 30 days. The physical examination shall include an objective evaluation of the heart, lungs, blood pressure and body functions that relate to the patient’s specific complaint.

(2) *Reevaluations.* Reevaluations of the patient’s condition and efficacy of the drug therapy shall be made consistent with the condition diagnosed, the drug or drugs involved, expected results and possible side effects.

(3) *Patient counseling.* The patient shall be counseled regarding the condition diagnosed and the drug prescribed, administered or dispensed. Unless the patient is in an inpatient care setting, the patient shall be specifically counseled about dosage levels, instructions for use, frequency and duration of use and possible side effects.

(4) *Medical records.* Accurate and complete medical records must document the evaluation and care received by patients.

(i) On the initial occasion when a drug is prescribed, administered or dispensed to a patient, the medical record must include the following:

(A) A specification of the symptoms observed by the licensed health care provider and reported by the patient.

(B) The diagnosis of the condition for which the drug is being given.

(C) The directions given to the patient for the use of the drug.

(D) The name, strength and quantity of the drug and the date on which the drug was prescribed, administered or dispensed.

(ii) After the initial occasion when a drug is prescribed, administered or dispensed, the medical record must include the information required in subsection (b)(4)(i)(D) and changes or additions to the information recorded under subsection (b)(4)(i)(A)—(C).

(5) *Emergency prescriptions.* In the case of an emergency contact from a known patient, a prudent, short-term prescription for a drug may be issued. Neither a refill nor a consecutive issuance of this emergency prescription may be given unless a physical examination and evaluation of the patient is first conducted by a licensed health care provider. The results of this examination and evaluation shall be recorded in the patient’s medical record together with the diagnosis of the condition for which the drug is being prescribed. An emergency oral prescription for a Schedule II controlled substance shall be covered by a written prescription delivered to the pharmacist within 72 hours.

(6) *Compliance with other laws.*

(i) This section may not be construed as restricting or limiting the application of The Controlled Substance, Drug, Device and Cosmetic Act or statutes or regulations of the Department of Health and the Department of Public Welfare that govern the prescription, administration and dispensation of drugs and medical recordkeeping in certain health care facilities.

(ii) This section may not be construed as restricting or limiting the application of Federal laws or regulations that govern the prescription, administration and dispensation of drugs and medical recordkeeping in certain health care facilities.

(iii) This section does not relieve a person from complying with more stringent standards that may be imposed by another statute or regulation.

(7) *Compliance with facility policy.* This section does not relieve a person from complying with more stringent standards that may be imposed by the health care facility in which the person practices or by the person’s employer.

(8) *Adherence to standards of practice.* Compliance with this section will not be treated as compliance with the standards of acceptable and prevailing medical practice when medical circumstances require that the licensed health care provider exceed the requirements of this section.

[Pa.B. Doc. No. 13-1116. Filed for public inspection June 21, 2013, 9:00 a.m.]

STATE BOARD OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

[ 49 PA. CODE CH. 42 ]

## Continued Competency

The State Board of Occupational Therapy Education and Licensure (Board) amends § 42.17 (relating to fees) and adds §§ 42.51—42.58 (relating to continued competency) to read as set forth in Annex A.

*Statutory Authority*

Section 5(b) of the Occupational Therapy Practice Act (act) (63 P. S. § 1505(b)) authorizes the Board to promul-

gate and adopt rules and regulations consistent with law as it deems necessary for the performance of its duties and the proper administration of the act. Section 15(a) of the act (63 P.S. § 1515(a)) further provides that the “board may establish additional requirements for license renewal designed to assure continued competency of the applying occupational therapist. . . .”

#### *Summary*

The final-form rulemaking enacts the requirement that occupational therapists maintain continued competency by requiring occupational therapists to complete 24 contact hours per biennium in acceptable continued competency activities. Acceptable continued competency activities include distance and in-person education programs, writing on occupational therapy topics in peer-reviewed journals and other non-peer-reviewed publications, volunteerism related to occupational therapy—characterized as unpaid service, fieldwork supervision, mentorships and professional study groups, and presentation and instruction.

#### *Response to Comments*

Notice of proposed rulemaking was published at 41 Pa.B. 1909 (April 9, 2011). Publication was followed by a 30-day public comment period during which the Board received public comments from the following: licensed occupational therapists Patty Godfrey, Linda Miller, Ruth Crouthamel, Julie Kearney, Karen Smith, Jessica Collini, Ann Stuart, Beth Ann Duchess, Amy Dale, Lori Glassbrenner, Shirley Weaver, Deborah Ross, Cindy Kauffmann, Nancy Dubuar, Joyce Boivin, Sharon Glover and Kathleen LeGuern-Duckett; licensed occupational therapy assistants Stacy Stefanik and Donald Booker; occupational therapy student Laura Mariotti; LaVerne Russell, Director of Clinical Operations, Genesis Rehab Services; Cathy Dolhi, President, Pennsylvania Occupational Therapy Association, Inc. (POTA); Anne Henry, Chief Operating Officer, Pennsylvania Health Care Association/Center for Assisted Living Management (PHCA/CALM); and Marcy M. Buckner, State Policy Analyst, American Occupational Therapy Association, Inc. (AOTA). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

#### *General*

The POTA commented that it wholeheartedly supported the regulations.

IRRC, PHCA/CALM and several individual commentators questioned whether the additional burdens of these regulations will have a negative effect on part-time practitioners potentially driving them from the profession. In this final-form rulemaking, the Board expanded the list of permissible activities in § 42.55(b) (relating to acceptable continued competency activities) to include the addition of unpaid service. This expansion increases the continued competency options for licensees and decreases concerns about cost and the ability to complete the required hours per biennium.

PHCA/CALM commented that requiring occupational therapists to complete these requirements will be a burden to occupational therapy employers and Medical Assistance. Because the statutory requirement of competence rests on the license holder and not the employer, the Board does not believe that the continued competence requirement would burden employers and Medical Assist-

ance. Nonetheless, in this final-form rulemaking, the Board expanded the list of acceptable activities so that occupational therapists can choose to complete free or inexpensive activities if desired, lowering costs. Further, under § 42.54(d) (relating to education program providers), employers can provide their own educational courses for their employees, effectively reducing costs and scheduling issues, by either becoming a preapproved provider or seeking Board approval. Since Board-approved providers are not charged for each course offered, but rather only a \$40 initial provider approval fee, and if the provider desires to continue to be a provider a subsequent \$40 for biennial approval, the cost to the employer of providing the education is nominal.

AOTA encouraged the Board to require occupational therapy assistants to complete continued competence activities. The Board agrees that occupational therapy assistants would benefit from completing continued competence activities and notes that the act of July 5, 2012 (P.L. 1132, No. 138) (Act 138) amended the act to authorize continued competence for occupational therapy assistants as a condition of biennial renewal. The Board intends to promulgate a separate rulemaking to implement the amendments made to the act by Act 138, which will address continued competence for occupational therapy assistants.

#### *§ 42.17. Fees*

A commentator stated that the \$120 fee for new licensure is too high. The Board notes that the total of the three new fees in § 42.17 is \$120; however, there is not a \$120 fee. Section 42.17 contains three fees based upon actual Board expenses. There is an initial application fee of \$40 for approval of a provider who is not already included in the lengthy list of preapproved providers in § 42.54(c) but seeks to offer educational courses under § 42.55(d). With this approval, the Board-approved provider can offer unlimited courses during the biennial period. In subsequent years, if the Board-approved provider wishes to continue offering courses, there is a \$40 biennial renewal fee. There is an individual approval fee of \$40 for licensees who seek to obtain credit for educational courses from a provider that is neither preapproved nor Board-approved under § 42.54(e). Rather than limiting occupational therapists to taking courses from preapproved providers only, the Board created a process whereby other providers can receive approval for their educational offerings and a process whereby occupational therapists can obtain credit for courses offered by providers that are not preapproved and have not applied for Board approval.

IRRC asked the Board to provide a more detailed analysis of costs imposed on the regulated community and State government. Similar to licensees of other boards within the Bureau of Professional and Occupational Affairs (Bureau) that mandate continuing education, there are two groups within the occupational therapy regulated community that will incur costs in connection with these regulations: occupational therapists who incur costs associated with completing the continued competency activities in § 42.55(b); and providers who seek Board approval. In the former, the costs vary depending on the activities individual licensees select but, on average, the Board estimates the cost to be \$300 for each occupational therapist per year. For example, occupational therapists who complete their 24 hours through a combination of fieldwork supervision, writings and presentations will not incur direct costs. Similarly, occupational therapists who complete their 24 hours through

instruction, mentorship and unpaid service will not incur direct costs. Conversely, occupational therapists who choose to complete the 24 hours through education courses not provided by their employers or which charge a fee will incur costs, which can range from \$10 to \$50 per hour. The second regulated community to incur costs are providers related to the development and marketing of their continued competence programs. Those costs, however, may be recouped through the fees charged for programs. In addition to the costs to the regulated community, this final-form rulemaking imposes costs on State government associated with the costs of processing provider applications and monitoring compliance with the regulations through audit. These costs to State government are borne by the providers and the occupational therapist population.

The HPLC questioned whether the fee report forms need to be updated. The Board has done so. The fees added to § 42.17 are based upon a projected number of providers based upon similar provider population for other boards within the Bureau. Actual information will only be available after the first renewal cycle.

#### § 42.52. Definitions

In this final-form rulemaking, the Board amended the definition of “level II fieldwork” to more closely capture the experience as defined by the Commission on Education’s Guidelines for an Occupational Therapy Fieldwork Experience—Level II. The Board also amended the definitions of “mentor,” “mentorship” and “protégé” by adding group as well as one-on-one teaching/coaching experiences to include professional study groups, like those used by the American Society of Hand Therapists (ASHT), within § 42.55(b)(2). The Board believes that these study groups are equally as valuable as one-on-one experiences but are analogous to a mentor-protégé experience.

IRRC questioned whether the reference to the Department of Education in the definition of “mentor” includes both the Federal Department of Education and the Pennsylvania Department of Education and what certified groups are included within the definition of “mentor.” The Board believes that individuals who work for or are certified by agencies in addition to Department of Education are competent to serve as mentors, as are those individuals licensed in other states, and many individuals exempt from State licensure requirements. Therefore, in this final-form rulemaking, the Board expanded the definition of “mentor” to include those in the education field as well as those exempt from licensure by statute. Examples of individuals exempt from licensure by statute might include those that fall within the exemptions in section 7(3) of the act (63 P. S. § 1507(3)), section 18 of the Medical Practice Act of 1985 (63 P. S. § 422.18) or section 3 of the Professional Psychologists Practice Act (63 P. S. § 1203). The important characteristic of a mentor is that the individual can provide specific knowledge and skills that will advance the occupational therapist’s competency in the practice of occupational therapy.

In connection with the definition of “protégé,” the HPLC and IRRC recommended that “licensed” should be added to “other health care professional.” Additionally, IRRC questioned who fits within the category of “another health care professional.” In this final-form rulemaking, the Board replaced “other health care professional” with “a mentor” since that definition is broader and encompasses the HPLC and IRRC recommendations.

The Board amended the definition of “professional continued competence portfolio” to delete the requirement of a self-assessment. While the Board still believes that occupational therapists should conduct a self-assessment to determine which continued competency activities should be completed, upon further reflection, the Board decided that a self-assessment should not be documentation that shall be submitted to the Board upon audit.

The Board also added a definition of “unpaid service” as used in § 42.55(b)(7). This term describes volunteerism in organizations when the unpaid service directly relates to occupational therapy. Volunteerism might include providing unpaid occupational therapy services such as assisting Habitat for Humanity in implementing living plans for persons who receive occupational therapy services, guiding a day care or township on occupational therapy issues in their design of a playground for disabled children, planning or working at community health fairs and serving in leadership or committee positions on professional associations.

#### § 42.53. Continued competency requirements

IRRC questioned why the Board chose to require 24 hours of continued competency activities. In formulating the required number of continued competency hours, the Board looked to the National Board for Certification in Occupational Therapy, Inc. (NBCOT) requirement for National certification as an occupational therapist. NBCOT requires its certificate holders to complete 36 professional development units (PDU) triennially. The Board’s requirement of 24 hours per biennium is parallel.

PHCA/CALM commented that 24 hours of continuing education is excessive, especially since physical therapists only have to complete 20 hours. In response, the Board notes that the act of July 4, 2008 (P. L. 293, No. 38) amended section 7.2 of the Physical Therapy Practice Act (63 P. S. § 1307.2) to require physical therapists and physical therapist assistants to attend and complete 30 contact hours of mandatory continuing education during each biennial renewal period. The State Board of Physical Therapy published a final-form rulemaking at 42 Pa.B. 7652 (December 22, 2012) implementing the increased continuing education requirement.

IRRC also questioned whether continued competency hours completed during the exempt period may be carried over. The Board has not chosen to permit credit for carry over regardless of whether it was completed during the exempt period or in excess of the mandatory required. While the Board believes that activities completed during the exempt period and in excess of that required is personally beneficial for occupational therapists, the Board calls for licensees to complete at least 24 hours of continued competency activities during each period required. Anecdotally, the Board believes that carry over generally poses a paperwork burden for both licensees and boards within the Bureau.

The HPLC asked the Board to clarify whether the continued competency requirement begins after the licensee’s initial renewal date or after the second renewal date. Additionally, a commentator questioned whether there are grace periods given for new graduates. The Board amended § 42.53(b) (relating to continued competency requirements) to clarify that an occupational therapist is exempt from completing the continued competency requirement only for the first biennial renewal following initial licensure.

Section 42.53(c) and (d) addresses the number of contact hours an occupational therapist shall complete to reinstate a license. Applicants whose licenses have lapsed or been inactive for less than 4 years are required under § 42.53(c) to show compliance with the continued competency requirement during the biennium immediately preceding the request for reactivation. Conversely, applicants seeking to reinstate a revoked or suspended license shall complete the continued competency contact hour requirement for each biennium in which the license was suspended or revoked. AOTA recommended a structured completion requirement based on the number of years absent from practice. Similarly, IRRC questioned how health, safety and welfare is protected when occupational therapists only have to complete 24 hours regardless of the number of years inactive. In determining the amount of continued competency hours required, the Board was guided by the requirement in section 15(a) of the act that licensees whose license has lapsed for 4 years or more must be reexamined. Because a lapsed license is not caused by a disciplinary action, the Board believes that for the first biennial period only the current requirement is necessary. When the license remains inactive for another biennial period, the Board is satisfied that reexamination required under section 15(a) of the act will ensure continued competency without the need for the completion of additional continued competency hours. However, because suspension and revocation result from disciplinary action, the Board believes that additional continued competency hours are warranted regardless of the additional reexamination requirement when applicable.

The HPLC recommended that the Board switch the order of § 42.53(d) so that the provision begins with “as a condition of reinstatement.” The Board finds this suggestion reasonable and made this amendment in this final-form rulemaking.

#### § 42.54. Education program providers

Proposed § 42.54(b) reserved within the Board the right to reject an activity if it is outside the scope described in § 42.55(a) or is “otherwise unacceptable because of presentation or content.” IRRC questioned what types of presentation or content would be “otherwise unacceptable.” Because a presentation or content would only be unacceptable if it did not comply with § 42.55(a), the Board deleted this text in this final-form rulemaking.

Section 42.54(c) contains the list of preapproved providers. IRRC questioned whether the reference to “State” in § 42.54(c)(1) includes in-State and out-of-State providers. Because the Board intends this provision to include all National, international and state level professional organizations, such as the AOTA and the POTA, the Board replaced “State” with “state-level.” IRRC also recommended that a list of preapproved providers be available on the Board’s web site. The Board intends to include this information, as well as a list of Board-approved providers, on its web site.

Section 42.54(e) describes the individual activity approval process for education courses when the provider is neither preapproved nor Board-approved. A commentator questioned whether the approval process requires occupational therapists to complete the activity, pay \$40 and then wait for a decision on approval. Section 42.54(d) allows occupational therapists to apply for individual activity approval at any time during the biennium. The only caveat is that an occupational therapist who applies for approval after completing the course risks the possibility that the course may not ultimately be approved.

However, there may be course-specific instances when waiting until after completion may provide the licensee with more information about the relevance of the course to the practice of occupational therapy.

The HPLC recommended that the Board amend § 42.54(e)(2) to make it consistent with § 42.54(d)(1) regarding notification of disapprovals. The Board agrees with this recommendation and amended § 42.54(e)(2) accordingly.

#### § 42.55. Acceptable continued competency activities

Section 42.55(b) clarifies that credit will only be awarded for activities that are relevant to occupational therapy practice. To provide occupational therapists with guidance regarding what is considered relevant to occupational therapy practice, § 42.55(a)(1) includes the common practice areas of direct care, management, education and research. The HPLC asked the Board to define “management.” Management is a term of art used in the occupational therapy profession to mean practice oversight regardless of the environment. The Board chose not to include this definition in § 42.52 (relating to definitions) because it is widely recognized in the profession.

Section 42.55(b) contains the seven classes of activities that qualify for continued competency credit: attendance at educational courses; participation in mentorship as either a mentor or a protégé; supervision of level I and level II fieldwork students; engaging in professional writing and editing; preparing for and delivering presentations and instruction; and unpaid service. With several exceptions and breakdown differences, these seven classes of activities are similar to the NBCOT’s 28 PDUs.

IRRC asked the Board to explain the need for the varied activities. Unlike other licensing boards within the Bureau whose licensees are required to complete continuing education as a condition of biennial renewal, the Board is charged in section 15(a) of the act to “assure continued competency” of occupational therapists. The Board interpreted this statutory requirement as requiring varied experiences beyond merely the traditional continuing education courses. However, upon consideration of this comment and others that were expressed to the Board from public commentators and various other sources while formulating this final-form rulemaking, the Board deleted the cap on the number of contact hours that may be completed through traditional continuing education courses and deleted the requirement that an occupational therapist complete at least two of the acceptable continued competence activities. The Board believes that occupational therapists would benefit from each of the acceptable activities and that completing more than one activity each biennial cycle would result in well-rounded competent occupational therapists. Thus, while not mandated, the Board encourages licensed occupational therapists to assess their own continued competence needs and design a program of a variety of continued competence activities that would most benefit their individual practice of occupational therapy.

IRRC also asked the Board to explain how part-time and full-time occupational therapists can complete the requirements. In the Board’s view, there is not a difference between how part-time and full-time occupational therapists can complete the continued competency requirements as these requirements are not tied to employment. The only requirement is that the occupational therapist choose from the seven enumerated activities within the established caps to total 24 hours. The follow-

ing examples illustrate how an occupational therapist may fulfill the continued competency requirement every 2 years:

- Attending three 1-hour continuing education courses from pre-/Board-/individual-approved providers (which equates to 3 contact hours), completing one academic course from pre-/Board-/individual-approved providers (which equates to 15 contact hours) and serving on the ethics committee of AOTA for 30 hours (which equates to 6 contact hours).

- Participating as a mentor or protégé (depending on the occupational therapist's competence level) with other hand therapists in a professional study group that entered into a mentorship agreement for 20 hours (which equates to 4 contact hours), attending four 3-hour continuing education courses from pre-/Board-/individual-approved providers (which equates to 12 contact hours), publishing an article for a workplace newsletter on a topic related to occupational therapy (which equates to 5 contact hours) and volunteering to work at an occupational therapy booth at a community health fair for 15 hours (which equates to 3 contact hours).

- Supervising a level I fieldwork student (which equates to 1 contact hour), attending the ASHT conference and POTA District V meetings (which equates to 9 contact hours), publishing an article in *Occupational Therapy in Health Care* (which equates to 10 hours) and attending four 1-hour continuing education courses (equates to 4 contact hours).

- Serving on POTA's Commission on Education (about 60 hours of service time) (equates to 12 contact hours), attending the POTA conference (equates to 8 contact hours) and presenting two poster presentations (equates to 4 contact hours) at the New Jersey Occupational Therapy Association's annual conference.

IRRC asked the Board to identify whether costs will be greater for those in limited access areas. The Board believes that costs to complete continued competence contact hours should not be affected by geographic location. Although some areas may have more educational courses available, because activities like instruction, writing, mentorship and fieldwork can be obtained at no cost, a disparity in cost should not be an issue. For example, an occupational therapist can receive credit without spending money for writing an article in a non-peer-reviewed journal such as *Penn Point, OT Practice* or an employer-generated newsletter. Further, with the addition of unpaid service in this final-form rulemaking, occupational therapists can obtain credit by performing occupational therapy-related volunteering. For example, an occupational therapist who voluntarily offers assistance to a day care about increasing hand coordination can obtain credit for that service.

IRRC and the HPLC questioned why the Board designed its own activities instead of adopting NBCOT's PDUs. AOTA, and several commentators stated that the Board should not exceed the NBCOT requirement and that it should consider the options in the AOTA Model OT Act. Like section 15(a) of the act, section 3.09(2) of the AOTA Model OT Act requires occupational therapists to maintain continued competency as a condition of biennial renewal. Implementation of this requirement is left to individual boards without recommendation about acceptable activities and required hours.

Regarding NBCOT, as previously explained, with several exceptions and breakdown differences, the Board incorporated NBCOT PDUs into § 42.55(b). For example,

the Board has one category for presentations and instruction in § 42.55(b)(6) while the NBCOT breaks this activity into five activities. Similarly, the Board has one category for writing in § 42.55(b)(4) while the NBCOT activities are broken into seven categories. There are only a few areas where the Board did not incorporate the PDUs: (1) activities wherein documentation supporting completion of the activity was not independently verifiable (NBCOT PDUs 9 and 12); (2) pre-preparation activities (NBCOT PDUs 1 and 2); (3) activities stemming from an employment role (NBCOT PDUs 17 and 28); and (4) collection of data credit (NBCOT PDU 27).

NBCOT PDUs 1 and 2 award credit for performing a self-assessment and developing a professional development plan. Despite the recommendation by commentators, the Board chose not to incorporate these activities as it believes that while both are prerequisites to determining what activities an occupational therapist should complete, neither enhances competence.

The Board also chose not to incorporate NBCOT PDUs 9 and 12 which award credit for independent readings, watching tapes/CDs and learning without assessment, as suggested by two commentators. Even though the Board finds these activities professionally valuable, as they are not capable of independent verification, the Board cannot award continued competency credit. Nonetheless, the information gleaned from these activities may be capable of being used to write an article in a non-peer-reviewed magazine, journal or newsletter, or to teach an employer-generated continuing education program qualifying the occupational therapist for publication or instruction credit under § 42.55(b)(4) and (6).

The Board chose not to incorporate NBCOT PDU 17 as it believed that instructors, regardless of whether they are full-time faculty, adjuncts or trainers, should not receive credit when instruction is a component of their employment role. Under NBCOT guidelines, only full-time faculty and trainers are not awarded credit because teaching is their primary employment role, but adjunct faculty may receive credit for teaching the same course because serving as an adjunct faculty member is not a primary role. In the Board's view, the NBCOT distinction is solely based upon the number of courses taught and does not take into account the identical nature of the content of the courses or the fact that in all three cases the instructor is employed as an instructor. The Board applied this same standard of not awarding credit for developing instructional materials which are part of an employment role when it chose not to incorporate NBCOT PDU 28.

Although the Board decided not to award credit generally when the presentations and the development of instructional materials are part of an employment role, if the instruction or materials are not related to the occupational therapists' employment role, credit may be earned under § 42.55(b)(6)(i). For example, when a faculty member or trainer makes a presentation about occupational therapy at a POTA or AOTA conference, credit may be obtained because the presentations are not part of the occupational therapists' employment role.

The Board also chose not to incorporate NBCOT PDU 27, which awards credit for being a primary or coprimary investigator in extensive scholarly research as recommended by a commentator. While the Board does not award credit for the collection of data phase of research, the investigator can receive credit for oral/poster presentations or writing under § 42.55(b)(4) and (6) related to the research process.

In this final-form rulemaking, the Board added unpaid service which it believes is akin to NBCOT PDU 3 involving volunteerism. The Board concurs with several commentators that occupational therapists expend professional time which enhances their competence in unpaid service of an occupational therapy nature. Examples of credited unpaid service were previously mentioned in the discussion concerning the definition of "unpaid service" in § 42.52.

Several commentators stated that there is no evidence that additional activities beyond mere continuing education make better occupational therapists. As previously noted, the Board amended the final-form rulemaking to delete the 18-hour maximum on the number of contact hours that may be completed through traditional continuing education courses in a given biennial renewal period. However, the Board still believes that a combination of activities provides occupational therapists with an opportunity to obtain a more varied experience thereby achieving continued competence.

Several commentators voiced their concern that the proposed activities other than education courses are academic-focused. Similarly, PHCA/CALM and a commentator noted that the other proposed activities other than education courses are not available to the "average" therapist. Conversely, a commentator stated that the various permitted activities provide licensees with a lot of opportunity to obtain continued competency credit. The Board believes that it has addressed these concerns by clarifying and expanding the list of activities in this final-form rulemaking. Occupational therapists will have a wide variety of options from unpaid services to mentorship, as either a mentor or protégé, and writing for non-peer-reviewed publications, which the Board understands readily accept articles for publication, to obtain the requisite continued competency hours.

Two commentators stated that the Board should re-evaluate the limitations for each activity since each may contribute equally to occupational therapists' competence (that is, the fieldwork supervisor is equally competent as the writer/presenter). The Board compared the limitations on each activity between NBCOT and the proposed rulemaking and amended the final-form rulemaking accordingly. Thus, NBCOT's limitations and the Board's limitations in the final-form rulemaking are similar.

Proposed § 42.55(b)(1)(i) limited the number of educational courses that may be credited per biennium to a maximum aggregate of 18. Two commentators stated that occupational therapists be permitted to complete all 24 hours in educational courses/seminars as NBCOT allows. Further, several commentators stated that having to complete 6 hours in areas other than educational courses will cause a hardship, especially to part-time practitioners, and will not increase practice capability. As previously noted, while the Board strongly believes that continued competence is enhanced by completing a variety of activities, the final-form rulemaking has been amended to remove the limitation on the number of contact hours that may be earned by traditional continuing education courses.

A commentator questioned whether licensed occupational therapists who are obtaining additional education will be able to receive credit for this additional education. Occupational therapy doctorate courses would fall within educational courses. Under final-form § 42.55(b)(1)(ii), a one-credit course equals 15 contact hours. The commentator also asked whether specialized training when there is a test qualifies for continued competency credit. In the

Board's view, when the occupational therapist is the learner, this activity falls within an educational course under § 42.55(b)(1). When the occupational therapist is the instructor, this training falls within presentations/instruction under § 42.55(b)(6).

A commentator questioned whether credit may be obtained for an organization's discipline-specific quarterly professional update meetings. Provided that this meeting would fall within the requirements of an education course offered by an approved provider, credit may be obtained.

IRRC recommended that "directed" be replaced with "instructional" in proposed § 42.55(b)(1)(ii). The Board agrees with IRRC and amended final-form § 42.55(b)(1)(i) accordingly.

Section 42.55(b)(2) delineates the requirements for mentorship credit. In addition to the formalized one-on-one teaching/learning relationship specified in a mentorship agreement between a mentor and a protégé permitted in the proposed rulemaking, the Board added group mentorship to this definition in this final-form rulemaking because occupational therapists, for example, members of ASHT, routinely study together in a formalized relationship. Study, in the Board's opinion, is akin to mentorship and enhances an occupational therapist's continued competency regardless of whether the occupational therapist serves as a mentor or a protégé.

A commentator questioned whether credit can be given for new graduates who are being mentored by a more established therapist. Under § 42.55(b)(2)(iii), both mentors and protégés may earn 1 contact hour for every 5 hours spent in mentorship activities up to a maximum aggregate of 12 hours per biennium. In this final-form rulemaking, the Board doubled the aggregate amount proposed to be permitted to parallel the NBCOT standard. For new graduates, this credit could be obtained in biennial periods following the first required renewal period because new occupational therapists are exempt from completing the continued competency requirement for the first biennial renewal following initial licensure under § 42.53(b)(2)(b). The mentor, however, could receive credit for the entire mentorship.

The HPLC recommended that the post-mentorship summary required under § 42.55(b)(2)(iv) include the number of hours spent in the mentorship program. Because this information is already required under § 42.55(b)(2)(ii), the Board has not amended § 42.55(b)(2)(iv).

Section 42.55(b)(3) delineates the requirements for fieldwork supervision credit. Proposed § 42.55(b)(3)(i) limited credit to 3 contact hours per biennium for supervising level I fieldwork students and 6 contact hours per biennium for supervising level II fieldwork students. A commentator stated that the time investment necessary to supervise a level I student is greater than 3 contact hours per student. The commentator also stated that the limitation of contact hours per student and per biennium will decrease the likelihood that other occupational therapists will supervise fieldwork students. IRRC questioned how the proposed credit cap was determined. Owing to the commentator's concern and in an effort to parallel the NBCOT cap for fieldwork supervision, the Board increased the amount of credit which can be obtained from fieldwork supervision to a maximum aggregate of 12 contact hours per biennium.

Section 42.55(b)(4) delineates the requirements for professional writing credit. A commentator questioned whether there is a limitation on the number of contribu-

tors who may receive credit for the writing an article. The Board understands that at times multiple authors contribute to the writing of an article, chapter or textbook. As a result, in this final-form rulemaking, the Board has not added a cap on the number of authors who may receive credit for professional writing.

IRRC and a commentator questioned what is a “non-peer-reviewed journal” as used in § 42.55(b)(4)(i)(D). The commentator questioned whether non-peer-reviewed articles can be published in *PennPoint* or within an organization’s database. Unlike peer-reviewed journals which require a blind review under uniform criteria, non-peer-reviewed journals undergo editorial review by the journal publisher but do not require this same level of blind review. Example of non-peer-reviewed journals relating to occupational therapy include *PennPoint*, *OT Practice* and *SIS Quarterly*, as well as magazines, newspapers and online journals of general circulation and employer-generated newsletters where the writing specifically relates to occupational therapy, for example, an article which describes a case study about occupational therapy care.

A commentator stated that because there is not a guarantee that the article will be published, an occupational therapist who submits an article to a publisher but does not have it published will be unable to obtain credit under § 42.55(b)(4)(ii). Because the Board was cognizant that many articles submitted to peer-reviewed journals are not published, the Board permits the publication of articles in non-peer-reviewed journals. Especially for employer-generated publications, the likelihood of publication is significantly higher.

Section 42.55(b)(6) delineates the requirements for presentation and instruction credit. Proposed § 42.55(b)(6)(i) limited contact hour credit to peer-reviewed or invited presentations or workshops related to occupational therapy. IRRC asked the Board to define “invited presentation.” A commentator questioned whether poster sessions receive credit in addition to traditional presentations. The Board appreciates that poster presentations require the same degree of in-depth information as an oral presentations. Therefore, upon further consideration, the Board expanded final-form § 42.55(b)(6)(i) to include oral and poster presentations or instruction related to occupational therapy and deleted the reference to “peer-reviewed and invited” presentations.

A commentator questioned whether instructors and college professors may receive credit for teaching the same course year after year as part of their employment. On that same topic, two commentators recommended that credit be awarded for on-the-job training and local inservices and the preparation time involved in those presentations. The Board previously explained its belief that instructors, regardless of whether they are full-time faculty, adjuncts or trainers, should not receive credit for instruction when that instruction is a component of their employment role. This belief has been incorporated in § 42.55(b)(6)(ii). In the Board’s view, serving as a guest lecturer more than four times per biennium constitutes an employment role. When this instruction is not part of the employment role, credit, albeit only one time per content per biennium, may be awarded under § 42.55(b)(6)(iii).

Three commentators further recommended that credit should also be awarded for preparation time. Consistent with NBCOT standards, § 42.55(b)(6)(i) grants occupational therapists 2 hours of credit for each 60-minute or poster presentation.

Two commentators questioned whether a presenter can receive credit for the same presentation if it is presented to different groups under different providers. This is prohibited by § 42.55(b)(6)(iii). The Board does not believe that repeating a presentation adds to the presenter’s continued competency.

A commentator questioned whether there is a limit on the number of occupational therapists who may share in a presentation. Section 42.55(b)(6) does not limit the number of presenters who may contribute to a presentation.

Section 42.55(b)(7) delineates the requirements for unpaid service credit. Under § 42.55(b)(7)(i), occupational therapists may obtain 1 contact hour up to a maximum aggregate of 12 contact hours per biennium for every 5 hours of unpaid service, defined in § 42.52, as directly relating to occupational therapy. Even if part of the unpaid service, credit may not be awarded under § 42.55(b)(7)(i)(B) for the performance of administrative services. In addition to the documentation required under § 42.57(a) (relating to documentation and reporting of continued competency activities), upon audit, occupational therapists shall produce a letter from the organization’s president or executive director attesting to and outlining the unpaid service.

#### *§ 42.56. Waivers of continued competency requirements*

Proposed § 42.56 (relating to waivers of continued competency requirements) was divided into two categories: waiver and cure. Final-form subsection (b) directs an occupational therapist seeking a waiver due to serious illness, injury or emergency to provide documentation evidencing the condition requiring a waiver. IRRC questioned the type of documentation necessary. As accepted by other licensing boards within the Bureau, a letter from a physician specifying the illness, injury or emergency is acceptable documentary evidence. IRRC also asked the Board to specify the timeline for filing a waiver request and receiving a response. Final-form subsection (c) requires occupational therapists to file a waiver request 60 days before the end of the biennium, unless it is impracticable, so that the Board will have the opportunity to review and rule on the waiver requests. In the event that the request is denied, the occupational therapist will have sufficient time to complete the deficient hours before the end of the biennium.

IRRC questioned how the public would be protected under proposed § 42.56(b) if occupational therapists were able to avoid completing the activities by curing their deficiencies. It also asked whether any deficiency be cured and what kind of curing plan will be accepted. Upon further consideration, in this final-form rulemaking, the Board deleted proposed § 42.56(b).

#### *§ 42.57. Documentation and reporting of continued competency activities*

The HPLC recommended that the Board amend its reference to § 42.56 in § 42.57(a). The Board agrees with this recommendation and replaced the reference with a reference to § 42.55(b)(1)(iii), (2)(iv), (3)(ii), (4)(iii), (5)(ii) and (6)(iv).

IRRC recommended that the Board define professional continued competence portfolio as referenced in § 42.57(b)(1). As this term is defined in § 42.52, the Board added a cross-reference to the definition. IRRC questioned how completion of the hours will be verified. On the renewal form, occupational therapists will be required to verify compliance with the continued compe-



tency requirement. Upon audit, they will be required to submit copies of their professional continued competence portfolios.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have a fiscal impact on the regulated community in that each licensed occupational therapist will incur the costs associated with completion of 24 contact hours of continued competency activities as a condition of biennial renewal. Due to the variety of ways an occupational therapist may obtain contact hours for continued competency purposes, it is impossible to derive an appropriate estimate as to costs for the regulated community. For instance, an occupational therapist could obtain contact hours through a mentoring relationship, professional writing and editing, fieldwork supervision, journal review or presentation. These activities would not necessarily impose an additional cost on the licensee. While some educational courses can be expensive, many others are extremely inexpensive and in some cases free. Nonetheless, the Board estimates an average cost of compliance with the continued competency requirements to be \$300 per licensee annually. In addition, the final-form rulemaking will create additional paperwork for the regulated community in that licensed occupational therapists would be required to retain documentation supporting the completion of the continued competency activities for 4 years and provide that documentation to the Board upon request.

The final-form rulemaking will also have a fiscal impact on the Board in that the Board will be required to expend resources reviewing Board-approved provider and individual activity applications. However, the Board anticipates that there will not be more than 30 applications to review in each category and those costs will be borne by the applicants through the \$40 application fee. In addition, the Board will incur costs and increased paperwork associated with audit and enforcement of the continued competency requirements.

*Sunset Date*

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, a sunset date has not been set.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 25, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 1909, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 24, 2013, the final-form rulemaking was approved by the HPLC. On May 15, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 16, 2013, and approved the final-form rulemaking.

*Contact Person*

Further information may be obtained by contacting Judy Harner, Administrator, State Board of Occupational

Therapy Education and Licensure, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

*Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 41 Pa.B. 1909.

(4) These amendments are necessary and appropriate for administering and enforcing the authorizing Acts identified in Part B of this preamble.

*Order*

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by adding §§ 42.51—42.58 and by amending § 42.17 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

KERRI HAMPLE,  
*Chairperson*

*(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3067 (June 1, 2013).)*

**Fiscal Note:** Fiscal Note 16A-677 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

**LICENSURE**

**§ 42.17. Fees.**

(a) The fee schedule for licensure as an occupational therapist shall be as follows:

Application for license.....	\$30
Biennial renewal of license .....	\$55
Temporary license .....	\$20
Verification of licensure .....	\$15
Certification of license, scores or hours .....	\$25

(b) The fee schedule for licensure as an occupational therapy assistant shall be as follows:

Application for license.....	\$30
Biennial renewal of license .....	\$45
Temporary license .....	\$20
Verification of licensure .....	\$15
Certification of license, scores or hours .....	\$25

(c) The fee schedule for continued competency providers and courses shall be as follows:

Initial provider approval .....	\$40
Biennial renewal of provider approval.....	\$40
Individual activity approval .....	\$40

### CONTINUED COMPETENCY

#### § 42.51. Purpose.

The purpose of §§ 42.52—42.58 is to implement section 15(a) of the act (63 P. S. § 1515(a)), which authorizes the Board to establish additional requirements for licensure renewal to ensure continued competency to achieve the legislative purpose in section 2 of the act (63 P. S. § 1502) to ensure the highest degree of professional care and conduct on the part of occupational therapists.

#### § 42.52. Definitions.

The following words and terms, when used in §§ 42.51 and 42.53—42.58, have the following meanings, unless the context clearly indicates otherwise:

*Contact hour*—A unit of measure for a continued competency activity that equals 50-60 minutes of participation.

*Continued competency*—The multidimensional process by which an occupational therapist demonstrates the development and maintenance of the knowledge, skills, attitudes, judgment, abilities and ethics necessary to practice occupational therapy in a variety of roles and settings.

*Educational courses*—Academic and continuing education courses delivered onsite or by distance education.

*Level I fieldwork*—Introductory fieldwork experiences that are a component of an educational program in occupational therapy in which students develop a basic understanding of the needs of clients through directed observation and supervised participation in the occupational therapy process.

*Level II fieldwork*—In-depth fieldwork experiences that are a component of an educational program in occupational therapy that provide multiple occupational therapy services to a variety of clients in multiple settings.

*Mentor*—A person who holds a current license, certificate or registration in a health-related or education field, or who is otherwise exempt by statute from the requirement to hold a license, certificate or registration, who is engaged in a one-on-one or group teaching/coaching relationship with an occupational therapist for the stated purpose of imparting specific knowledge and skills that will advance the occupational therapist's competency in occupational therapy.

*Mentorship*—Participation in a formalized, one-on-one or group teaching/learning relationship for the purposes of building an occupational therapist's capacity to practice occupational therapy.

*Mentorship agreement*—A written agreement between the mentor and the protégé or protégés that outlines specific goals and objectives and designates a plan of activities.

*Professional continued competence portfolio*—A document that evidences the occupational therapist's completion of the continued competency requirement in § 42.53 (relating to continued competency requirements).

*Protégé*—An occupational therapist who is engaged in a one-on-one or group relationship with a mentor for the stated purpose of acquiring specific skills and knowledge related to the practice of occupational therapy.

*Unpaid service*—Volunteering in an organization when the unpaid service directly relates to occupational therapy.

#### § 42.53. Continued competency requirements.

(a) Beginning with the July 1, 2013—June 30, 2015, biennium, an occupational therapist shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities) as a condition of licensure renewal.

(b) An occupational therapist is exempt from complying with subsection (a) for the first biennial renewal following initial licensure.

(c) An occupational therapist seeking to reactivate a lapsed or inactive license shall show compliance with the continued competency contact hour requirement during the 2-year period immediately preceding application for reactivation.

(d) As a condition of reinstatement, an occupational therapist whose license has been suspended or revoked shall complete the required continued competency contact hours for each licensure biennium in which the license was suspended or revoked.

#### § 42.54. Education program providers.

(a) *General.* Educational courses offered by preapproved and Board-approved providers will be accepted as satisfying the continued competency requirement. It is the responsibility of the occupational therapist to ascertain the approval status of the provider before undertaking a course.

(b) *Rights reserved.* The Board reserves the right to reject a course if the content is outside of the scope described in § 42.55(a) (relating to acceptable continued competency activities).

(c) *Preapproved providers.* The Board has preapproved educational courses provided, coprovided or approved by the following entities:

- (1) A National, international or state-level occupational therapy association.
- (2) The American Occupational Therapy Association's Approved Provider Program.
- (3) American Society of Hand Therapists.
- (4) Association for Driver Rehabilitation Specialists.
- (5) Department of Education.
- (6) An accredited college or university or post-secondary vocational technical school or institution.
- (7) Federal or State government programs related to health care.

(8) A provider approved by another health licensing board within the Bureau of Professional and Occupational Affairs or another State licensure board.

(9) National and State professional health care organizations.

(10) National and State professional education organizations.

(11) National Alliance for the Mentally Ill.

(12) Case Management Society of America.

(d) *Board-approved providers.* The Board will consider for approval, on a biennial basis, providers of educational courses that comply with § 42.55(a) as follows:

(1) The provider seeking approval shall submit an application to the Board at least 60 days prior to the beginning of the course but no later than 90 days before the end of the biennial renewal period. The applicant will be notified of approval or disapproval in writing.

(2) The Board will not approve a provider unless it:

- (i) Offers courses with specific learning objectives.
- (ii) Has criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.
- (iii) Has a procedure for determining licensees' perceptions of the extent to which the objectives have been met.

(e) *Individual course approval.*

(1) An occupational therapist may request approval of contact hours for educational courses not otherwise approved by submitting an application for approval to the Board no later than 90 days before the end of the biennial renewal period that includes the following:

- (i) The title of the course and number of contact hours.
- (ii) The description of the course from the program catalog or brochure.
- (iii) The learning objectives.
- (iv) The name and qualifications of the presenter.
- (v) An assessment of the course.

(2) Upon review of the completed application, the Board will notify the applicant whether the course has been approved or disapproved and, if approved, the number of contact hours that will be awarded.

(f) *Withdrawal of approval.* The Board may withdraw approval of a provider for cause. The provider will be notified in writing of the reasons for withdrawal of approval.

**§ 42.55. Acceptable continued competency activities.**

(a) Irrespective of the provider, contact hours will only be awarded for continued competency activities that are relevant to the practice of occupational therapy including direct care, management, education and research. Contact hours will not be awarded for activities related to marketing, office management, financial gain or self-promotion.

(b) The following activities are acceptable as long as the specific activity complies with subsection (a):

- (1) Educational courses.
  - (i) For continuing education courses, contact hours equal the number of instructional hours.
  - (ii) For academic courses, one credit equals 15 contact hours.

(iii) Instead of the documentation required under § 42.57(a) (relating to documentation and reporting of continued competency activities), acceptable documentation of educational courses consists of an official transcript or certificate of completion indicating the name and date of the course and a description of the course from the school catalog or brochure.

(2) Mentorship.

(i) Prior to beginning a mentorship, the mentor and the protégé shall enter into a mentorship agreement.

(ii) At the conclusion of the mentorship, the mentor shall provide a postmentorship summary documenting the time spent in and outcomes of the mentoring program. A copy of the summary shall be provided to the protégé and maintained by the mentor and the protégé for 4 years.

(iii) The mentor and the protégé may each earn 1 contact hour for every 5 hours spent in mentorship activities up to a maximum aggregate of 12 contact hours per biennium.

(iv) Instead of the documentation required under § 42.57(a), acceptable documentation consists of a copy of the mentorship agreement and the postmentorship summary.

(3) Fieldwork supervision.

(i) An occupational therapist may earn:

(A) One contact hour per student, up to a maximum aggregate of 12 contact hours per biennium, for serving as a supervisor for level I fieldwork.

(B) Three contact hours per student, up to a maximum aggregate of 12 contact hours per biennium, for serving as a supervisor for level II fieldwork.

(ii) In addition to the information required under § 42.57(a), the educational program shall verify the name of the supervisor, the names and number of students being supervised, the locations where the fieldwork is being performed and the dates and level of fieldwork.

(4) Professional writing.

(i) An occupational therapist may earn the following contact hours, up to a maximum aggregate of 15 per biennium, for professional writing:

(A) Fifteen contact hours for writing a book.

(B) Ten contact hours for writing a chapter in a book.

(C) Ten contact hours for writing an article published in a peer-reviewed journal.

(D) Five contact hours for writing an article published in a non-peer-reviewed journal, magazine, newsletter or other publication.

(ii) Credit will be awarded for the biennium in which the book, chapter or article is published.

(iii) Instead of the documentation required under § 42.57(a), acceptable documentation of professional writing consists of a copy of the editor's or publisher's acceptance letter and a copy of the article, chapter or the cover page of the book including the title, author, source and date of publication, and editor.

(5) Editing.

(i) An occupational therapist may earn the following contact hours, up to a maximum aggregate of 15 per biennium, for editing:

(A) A maximum of 10 contact hours may be earned for editing a book relevant to occupational therapy.

(B) A maximum of 6 contact hours per biennium may be earned for serving as a reviewer for a professional journal, provided that only 1 contact hour may be accrued for each article reviewed.

(ii) Instead of the documentation required under § 42.57(a), acceptable documentation of editing activities consists of the following:

(A) For editing a book, a copy of the editor's or publisher's acceptance letter and the cover page of the book including the title, author, source and date of publication, and editor.

(B) For serving as a reviewer, a copy of a letter from the editor acknowledging the number of articles reviewed.

(6) Presentation and instruction.

(i) An occupational therapist may earn 2 contact hours, up to a maximum aggregate of 12 per biennium, for each 60-minute oral or poster presentation or instruction related to occupational therapy.

(ii) Credit will not be awarded for presentations or instruction when the activities are within the presenter's/instructor's employment role.

(iii) Credit will only be awarded one time per biennium for each presentation/instruction regardless of the number of times the material is presented.

(iv) In addition to the information required under § 42.57(a), the provider shall provide a copy of the official program, schedule or syllabus including presentation title, date, hours of presentation/instruction and attestation by the provider.

(7) Unpaid service.

(i) An occupational therapist may earn:

(A) One contact hour, up to a maximum aggregate of 12 contact hours per biennium, for every 5 hours of unpaid service.

(B) Credit will not be awarded for administrative services performed, even if part of the unpaid service.

(ii) In addition to the documentation required under § 42.57(a), acceptable documentation of unpaid service consists of a letter on organization letterhead from the president or executive director attesting to and outlining the unpaid service completed.

**§ 42.56. Waivers of continued competency requirements.**

(a) The Board may waive all or part of the continued competency activity requirements in the case of a serious

illness, injury or emergency which prevents a licensee from completing the continued competency requirements.

(b) An occupational therapist seeking a waiver shall submit a written request for a waiver and provide documentary evidence to the satisfaction of the Board of the serious illness, injury or emergency which would preclude the completion of the continued competency requirements.

(c) The request for a waiver shall be filed with the Board 60 days before the end of the biennium in which the contact hours are being accrued unless the occupational therapist proves to the satisfaction of the Board that it was impracticable to do so.

**§ 42.57. Documentation and reporting of continued competency activities.**

(a) A provider of a continued competency activity shall furnish to each participant documentation, signed by the provider, which includes the following, unless otherwise directed in § 42.55(b)(1)(iii), (2)(iv), (3)(ii), (4)(iii), (5)(ii) and (6)(iv) (relating to acceptable continued competency activities):

(1) The name of the participant, provider and instructor.

(2) The title, date and location of the activity.

(3) The number of contact hours awarded.

(b) An occupational therapist shall:

(1) Prepare a professional continued competence portfolio as defined in § 42.52 (relating to definitions) for each biennial period and retain it for 4 years following the last day of the biennial period during which the continued competency activities were completed.

(2) Verify completion of the required contact hours of continued competency activities when the license is renewed. An occupational therapist who has not completed the required hours of continued competency activities will not be eligible for renewal until the hours are completed, unless a waiver or extension has been granted.

(3) Provide a copy of the professional continued competence portfolio to the Board within 30 days of notification of an audit.

**§ 42.58. Disciplinary action.**

An occupational therapist who fails to comply with the continued competency activity requirements or the audit requirements or submits false documents in connection with the continued competency requirement will be subject to disciplinary action under section 16 of the act (63 P. S. § 1516).

[Pa.B. Doc. No. 13-1117. Filed for public inspection June 21, 2013, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions and Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 11, 2013.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-4-2013	Penns Woods Bancorp, Inc. Williamsport Lycoming County	Effective
Application for approval to acquire 100% of Luzerne National Bank Corporation, Luzerne.		

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-1-2013	Centric Bank Harrisburg Dauphin County	1201 West Governor Road Dauphin County Hummelstown	Opened
6-10-2013	Miners Bank Minersville Schuylkill County	641 State Road 93 Conyngham Luzerne County	Filed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-7-2013	Patriot Federal Credit Union Chambersburg Franklin County	Effective
Application for approval to merge Community of Healthcare Employees Credit Union, Chambersburg, with and into Patriot Federal Credit Union, Chambersburg.		

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-6-2013	TruMark Financial Credit Union Trevose Bucks County	179 Levittown Parkway Levittown Bucks County	Opened

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1118. Filed for public inspection June 21, 2013, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0020940 (Sewage)	Tunkhannock Borough Municipal Authority 201 West Tioga Street Tunkhannock, PA 18657-0317	Wyoming County Tunkhannock Borough	Tunkhannock Creek Cold Water Fishes (4-G)	Y

<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>
PAS702203 (Storm Water)	Eastern Industries Bath Plant a.k.a. Bath Blacktop Plant a.k.a. "Bath HMA" 8013 Beth Bath Pike (Route 512) Bath, PA 18014	Northampton County East Allen Township	Monocacy Creek (2-C)	Y
PA0061646 (Industrial Waste)	PA American Water— Lake Scranton WTP 1500 Lake Scranton Place Roaring Brook Township, PA 18444	Lackawanna County Roaring Brook Township	Stafford Meadow Brook (05A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0260697— Transfer #1—(Sew)	Hodges Mobile Home Park Jeremy S. Hunter 799 Old Quaker Road Lewisberry, PA 17339	Cumberland County / Silver Spring Township	UNT Conodoguinet Creek / 7-B	Y
PA0040541 (Sew)	Boyertown Area School District 911 Montgomery Avenue Boyertown, PA 19512-9607	Berks County / Earl Township	UNT of Oysterdale Creek / 3-D	Y
PA0083429 (Sew)	West Cocalico Township Authority 156 B West Main Street Reinholds, PA 17569-0095	Lancaster County / West Cocalico Township	Little Cocalico Creek / 7-J	Y
PAS213506 (Stormwater)	Eldorado Stone, LLC— Greencastle Plant 10653 S River Front Parkway South Jordan, UT 84095	Franklin County / Antrim Township	Muddy Run / 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0240010 (Sewage)	Catherine P & Paul L LaBrie SFTF 112 Wetmore Trail Kane, PA 16735-2218	McKean County Hamilton Township	Twomile Run (16-F)	Y
PA0038351 (Sewage)	PHB, Inc. Machining Division 7900 West Ridge Road Fairview, PA 16415-1807	Erie County Fairview Township	Unnamed Tributary to Trout Run (15-A)	Y

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

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

**PA0026859**, Sewage, SIC Code 4952, **PA American Water Co.**, 4 Wellington Boulevard, Wyomissing, PA 19610. Facility Name: Coatesville STP. This existing facility is located in South Coatesville Borough, **Chester 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), West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	355	533	XXX	6.1	9.2	12.2
Nov 1 - Apr 30	711	1,066	XXX	12.2	18.3	24.4
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,751	2,627	XXX	30	45	60
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	200 Geo Mean	XXX	1,000*
Total Nitrogen	876	XXX	XXX	15	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	64	XXX	XXX	1.1	XXX	2.2
Nov 1 - Apr 30	193	XXX	XXX	3.3	XXX	6.6
Total Phosphorus						
May 1 - Oct 31	48	XXX	XXX	0.81	XXX	1.62
Nov 1 - Apr 30	95	XXX	XXX	1.62	XXX	3.24
Total Copper	0.70	XXX	XXX	0.012	XXX	0.024
UV Dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	Report	XXX	XXX
PCBs (Interim)						
(Dry Weather) (pg/L)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
(Wet Weather) (pg/L)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Pimephales Survival (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX

\* Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 003 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- A. No Stormwater Condition
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Operator Notification
- E. Fecal Coliform Requirement



- F. WET Condition
- G. Stormwater Outfall Requirement
- H. PCB Monitoring

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

The EPA Waiver is not in effect.

**PA0026689**, Sewage, SIC Code 4952, **Philadelphia Water Department**, 1101 Market Street, 5th Floor, Philadelphia, PA 19107-2994. Facility Name: PWD Northeast WRRRC. This existing facility is located in City of Philadelphia, **Philadelphia 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), Delaware River, Frankford Creek, Pennypack Creek, Tacony Creek, Unnamed Tributary to Delaware River, Unnamed Tributary to Pennypack Creek and Unnamed Tributary to Tacony Creek, is located in State Water Plan watershed—3J and is classified for Warm Water Fishes, Migratory Fishes, Warm Water Fishes, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 210 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
CBOD <sub>5</sub>	36,430	54,645	XXX	25	40 Wkly Avg	50
CBOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent BOD <sub>5</sub>	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent CBOD <sub>20</sub>	71,760	XXX	XXX	XXX	XXX	XXX
CBOD <sub>20</sub> % Removal (%)	XXX	XXX	86 Min % Removal	XXX	XXX	XXX
Percent Removal	XXX	XXX	85 Min % Removal	XXX	XXX	XXX
CBOD <sub>5</sub> % Removal (%)	XXX	XXX	85 Min % Removal	XXX	XXX	XXX
Percent Removal	XXX	XXX	85 Min % Removal	XXX	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	52,540	78,810	XXX	30	45 Wkly Avg	60
Total Suspended Solids	XXX	XXX	85 Min % Removal	XXX	XXX	XXX
TSS % Removal (%)	XXX	XXX	85 Min % Removal	XXX	XXX	XXX
Percent Removal	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids *	XXX	XXX	XXX	Report	Report	XXX
Specific Conductance *	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform	XXX	XXX	XXX	200	XXX	1,000
May 1 - Oct 31	XXX	XXX	XXX	Geo Mean	XXX	1,000**
Nov 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000**
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean	Report	XXX
Nitrate as N	XXX	XXX	XXX	Report	Report	XXX
Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Mercury	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX
4,4-DDD	XXX	XXX	XXX	Report	XXX	XXX
4,4-DDT	XXX	XXX	XXX	Report	XXX	XXX
4,4-DDE	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Benzidine	XXX	XXX	XXX	Report	XXX	XXX
Chlordane	XXX	XXX	XXX	Report	XXX	XXX
1,2-Dichloroethane	XXX	XXX	XXX	Report	XXX	XXX
Chloroform	XXX	XXX	XXX	Report	XXX	XXX
gamma-BHC	XXX	XXX	XXX	Report	XXX	XXX
Heptachlor	XXX	XXX	XXX	Report	XXX	XXX
Tetrachloroethylene	XXX	XXX	XXX	Report	XXX	XXX
Trichloroethylene	XXX	XXX	XXX	Report	XXX	XXX
PCBs						
(Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report Max	XXX
(Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report Max	XXX
Acute Toxicity—Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—Pimephales Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX

\* Specific conductance shall be measured from the same sample taken for TDS.

\*\* Shall not exceed in more than 10% samples tested. Please see Other Requirement—K of the permit.

The proposed effluent limits for Outfall 061 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limitations for Combined Sewer Overflow Outfalls 002-008, 010-052 and 058-060 as follows:

All discharges of floating materials, oil, grease, scum, foam, sheen, and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to level which will not be initial or harmful to the water uses to be protected or to human, plant or aquatic life.

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

I. Other Requirements

- No Stormwater Discharges
- Necessary Property Rights
- Sludge Disposal
- 85% Raw Wastewater Reduction
- 86% CBOD<sub>5</sub> reduction
- Toxic Approved Test Methods
- TMDL / WLA Analysis
- Laboratory Accreditation
- O&M Plan
- Act 11 Notification

II. Stormwater Requirements

III. POTW Pretreatment Program Implementation

IV. Combined Sewer Overflows

V. PCB Minimization Plan and Monitoring

VI. Whole Effluent Toxicity

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

The EPA Waiver is not in effect.

**PA0027294**, Sewage, SIC Code 4952, **Bristol Borough Water & Sewer Authority**, 250 Pond Street, Bristol, PA 19007. Facility Name: Bristol Borough WPC Plant. This existing facility is located in Bristol Borough, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 2.7 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	366	549	XXX	17	26 Wkly Avg	34
CBOD <sub>5</sub> Influent	Report	XXX	XXX	Report	XXX	XXX
BOD <sub>5</sub> Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD <sub>20</sub>	640	XXX	XXX	XXX	XXX	XXX
CBOD <sub>20</sub> % Removal (%)	XXX	XXX	88.5	XXX	XXX	XXX
Percent Removal			Min % Removal			
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	676	1,013	XXX	30	45 Wkly Avg	60
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	788	XXX	XXX	35	XXX	70
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	Report	XXX	XXX
PCBs						
(Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
(Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—Ceriodaphnia						
Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—Pimephales						
Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

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

- Remedial Measures
- No Stormwater Discharges
- TSS % Reduction
- CBOD<sub>20</sub> % Reduction

- Change of Ownership
- WET Testing
- Operation and Maintenance Plan
- Lab Certification
- PCBs Minimization Plan

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

The EPA Waiver is not in effect.

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

**PA0021873**, Sewage, SIC Code 4952, **Jim Thorpe Borough Municipal & Water Authority Carbon County**, 101 East Tenth Street, Jim Thorpe, PA 18229-1427. Facility Name: Jim Thorpe Water Authority East. This existing facility is located in Jim Thorpe Borough, **Carbon 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), Lehigh River, is located in State Water Plan watershed 2-B and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.92 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Quarterly	Weekly Average		Average Quarterly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo	Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0 Avg Mo	XXX	2.0
CBOD <sub>5</sub>	191.8	306.9	XXX	25.0 Avg Mo	40.0	50.0
	Avg Mo					
BOD <sub>5</sub>						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	230.2	345.3	XXX	30.0 Avg Mo	45.0	60.0
	Avg Mo					
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is not in effect.

**PA0065412**, Pesticides, SIC Code 0782, **Lakeside Outing Club**, 227 East Shore Drive, Susquehanna, PA 18847.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge associated with the application of pesticides in New Milford Township, **Susquehanna County**.

The receiving stream, Page Lake (on Salt Lick Creek, Stream# 32005), is located in State Water Plan watershed 4-E and is classified for High Quality Cold Water Fishery, aquatic life, water supply and recreation. 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. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA 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 the File Review Coordinator at 570-826-5472. 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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*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0262030**, SIC Code 6514, **Samuel L. Shaffer, III**, 584 Bull Run Road, Wrightsville, PA 17368. Facility Name: Shaffer Residence. This proposed facility is located in Lower Windsor Township, **York County**.

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

The receiving stream(s), Bull Run, is located in State Water Plan watershed 7-I and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

**PA0247421**, Sewage, SIC Code 6514, **Rodney & Francine Groff**, 7723 Wertzville Road, Carlisle, PA 17013. Facility Name: Groff Residence STP. This existing facility is located in Middlesex 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), Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

The EPA Waiver is in effect.

**PA0051748**, Sewage, SIC Code 8211, **Tulpehocken Area School District**, 428 New Schaefferstown Road, Bernville, PA 19506-8939. Facility Name: Tulpehocken High School WWTP. This existing facility is located in Jefferson Township, **Berks 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), Unnamed Tributary to Little Northkill Creek, is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0216 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2.0

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

The EPA Waiver is in effect.

**PA0246484**, Sewage, SIC Code 4952, **Little Washington WW Co.**, 762 West Lancaster Avenue, Gettysburg, PA 19010. Facility Name: Links of Gettysburg WWTP. This existing facility is located in Mount Joy Township, **Adams 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), Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report Annl Avg	Report Total Annual	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.

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Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

**PA0232360**, SIC Code 8811, **Paul & Sarah Eberly**, 1255 Industrial Park Road, Milton, PA 17847. Facility Name: Paul & Sarah Eberly Res. This proposed facility is located in West Chillisquaque Township, **Northumberland County**.

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

The receiving stream(s), Unnamed Tributary to Chillisquaque Creek, is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	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 570-327-3693.

The EPA Waiver is in effect.

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

**PA0239534**, Sewage, SIC Code 4952, 8811, **Michael A Hecei**, 2553 Pa Avenue West Ext, Warren, PA 16365. Facility Name: Michael A Hecei SR STP. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of treated sewage. The previous NPDES has expired.

The receiving stream is an unnamed tributary of Page Hollow, located in State Water Plan watershed 16-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	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.

**PA0021504**, Sewage, SIC Code 4952, **Western Butler County Authority**, 607 Market Street, Zelenople, PA 16063-1830. Facility Name: Western Butler County Authority STP. This existing facility is located in Zelenople Borough, **Butler 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), Connoquenessing Creek (Outfall 001), Glade Run (Outfalls 006 & 007) and an Unnamed Tributary to Glade Run (Outfall 005) are located in State Water Plan watershed 20-C and are classified for warm water fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.36	XXX	1.2
CBOD <sub>5</sub>						
May 1 - Oct 31	275	367	XXX	15	20	30
Nov 1 - Apr 30	459	734	XXX	25	40	50
Total Suspended Solids	550	826	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	110	XXX	XXX	6	XXX	12
Nov 1 - Apr 30	330	XXX	XXX	18	XXX	36

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Phosphorus	37	XXX	XXX	2	XXX	4
Total Nitrogen				Report		
Total Dissolved Solids				Report		

The proposed effluent limits for Outfalls 005, 006 & 007 are based on a design flow of N/A MGD.

This discharge shall consist of uncontaminated stormwater runoff from the sewage treatment plant site.

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

- Chlorine Minimization
- Electronic Discharge Monitoring Reporting requirement
- Annual, Whole Effluent Toxicity (WET) testing requirement

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

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

**WQM Permit No. WQG02231308**, Sewerage, **Middletown Township Sewer Authority**, 27 N. Pennell Road, Lima, PA 19063.

This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

**WQM Permit No. 4613403**, Sewerage, **Township of Worcester**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490-0767.

This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a new 0.90 mgd extended aeration wastewater treatment plant to replace the non operational portion of the wastewater treatment plant at Valley Green WWTP.

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

**WQM Permit No. 6413401**, Sewerage, **South Wayne County Water & Sewer Authority**, P. O. Box 6, Lake Ariel, PA 18436-0006.

This proposed facility is located in Salem Township, **Wayne County**.

Description of Proposed Action/Activity: Automation improvements at the Headworks of the Roamingwood WWTP / South Wayne Co. Water & Sewer Authority.

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

**WQM Permit No. 0694406, Amendment 13-1**, Sewerage, **Jennifer & Michael Souder**, 577 Monocacy Hill Road, Birdsboro, PA 19508.

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

Description of Proposed Action/Activity: Seeking approval for Transfer of Permit.

**WQM Permit No. 6713402**, Sewerage, **The Wago Club**, 1095 Wago Road, Mount Wolf, PA 17347.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of a small flow treatment facility to replace an existing on-lot system of holding tanks. System will serve existing restaurant/bar.

**WQM Permit No. 2110401, Amendment 13-1**, Sewerage, **Jeremy S. Hunter, Hodges Mobile Home Park**, 799 Old Quaker Road, Lewisberry, PA 17339.

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

Description of Proposed Action/Activity: Seeking approval for transfer of permit.

**WQM Permit No. 3608408 Amendment 13-1**, Sewerage, **Manheim Borough Authority**, 18 East High Street, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Replacement of mechanical screen at plant headworks.

**WQM Permit No. 2813401**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268.

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



Description of Proposed Action/Activity: Replacement of the Blue Ridge Summit Pumping Station to address current hydraulic overload.

**WQM Permit No. 3801401 Amendment 13-1**, Sewerage, **PA Department of Military and Veterans Affairs**, Fort Indiantown Gap, Building 0-11, Annville, PA 17003-5009.

This proposed facility is located in East Hanover Township and Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Addition of caustic soda chemical injection system.

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

**WQM Permit No. 0213401**, Sewerage, **PNC Financial Services Group**, Two PNC Plaza, 620 Liberty Ave, PGH, PA 15222-2719

This proposed facility is located in City of PGH, **Allegheny County**

Description of Proposed Action/Activity: Application for the construction and operation of an STP.

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

**WQM Permit No. 2503429**, Sewage, **Marian S. Hilinski**, 6970 West Stancliff Road, Girard, PA 16417.

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

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant from William T. Helinski to Marian S. Hilinski.

**WQM Permit No. 1013404**, Sewage, **Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001.

This new facility is located in City of Butler, **Butler County**.

Description of Proposed Action/Activity: Installation of approximately 1100 linear feet of 8 inch sanitary sewer along Jefferson Street. Installation of new siphon structure that will cross Sullivan Run.

#### IV. NPDES Applications for Stormwater Discharges from MS4

#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI014613005	Bruce A. Goodman c/o Goodman Properties 636 Old York Road Jenkintown, PA 19046	Montgomery	Upper Moreland Township	War Memorial Creek TSF-MF
PAI010913003	Bristol Borough School District 1776 Farragut Avenue Bristol, PA 19007	Bucks	Bristol Borough	Delaware River WWF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10U127R(1)	J.G. Petrucci Co. 171 Route 173 Suite 201 Asbury, NJ 08802	Northampton	Forks Twp.	Bushkill Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033613007	Anthony A. Good 2287 North Penryn Road Manheim, PA 17545	Lancaster	Penn Township	UNT to Hammer Creek (HQ-CWF)
PAI030613004	The County of Berks 633 Court Street Reading, PA 19601	Berks	Longswamp Township	UNT to Little Lehigh Creek (HQ-CWF) Little Lehigh Creek (HQ-CWF)

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

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041813004	Sugar Valley Concerned Citizens Peggy Barner PO Box 8 Loganton PA 17747	Clinton	Loganton Borough	Fishing Creek HQ-CWF

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044113002	PA Dept of Transportation District 3-0 PO Box 218 Montoursville PA 17754	Lycoming	Armstrong & Clinton Townships	W B Susquehanna River WWF, MF Black Hole Creek TSF, MF
PAI044113003	Kent Morton Moxie Patriot LLC 612 Center St S Ste 200 Vienna VA 22180	Lycoming	Clinton Township	Turkey Run WWF, MF

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056513002	Westinghouse Electric Company PO Box 158 Madison, PA 15663	Washington	Hempfield Township	Sewickley Creek (WWF)

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

PAG-12      CAFOs

#### **CAFO Notices of Intent Received**

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

**PAG123547, CAFO, Tuscarora Swine, Lawrence Mummau**, 1348 Flint Hollow Road, Honey Grove, PA 17035.

This facility is located in Shirley Township, **Huntingdon County**.

Description of Size and Scope of Operation/Activity: Renewal application for 513 AEU swine and beef operation.

The receiving stream, UNT Fort Run, is in watershed 12-C, and classified for: CWF.

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

**PAG123754, CAFO, Joel Christianson, Mountain View Swine Farms**, 411 Chestnut Street, Lebanon, PA 17402.

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

Description of Size and Scope of Operation/Activity: Renewal and transfer application for a swine and beef operation.

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

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

### **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.

**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>Application</i>
Woodland View Farm 133 Woodland View Road Oxford, PA 19363	Chester	204	114.19	Ducks, Beef Cow/Calf Pairs, Beef Finisher	NA	NMP Update
<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>
Edward Horst 251 Bunkerhill Road Womelsdorf, PA 19567	Berks	119.8	33.64	Heifer and Hog	None	New
Critter Hill Farm, LLC Mike and Dorothy Hare 224 Quaker Run Rd Biglerville, PA 17307	Adams	39	328.25	Turkeys and Beef Cattle	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 501305**, Public Water Supply.

Applicant	<b>Stonebridge Health &amp; Rehabilitation Center</b>
Municipality	Penn Township
County	<b>Perry</b>
Responsible Official	Daniel Dietzel III, Administrator 102 Chandra Drive Duncannon, PA 17020
Type of Facility	Public Water Supply
Consulting Engineer	Stephen R. Morse, P.E. Skelly & Loy, Inc. 449 Eisenhower Boulevard Harrisburg, PA 17111
Application Received:	5/24/2013
Description of Action	Installation of an arsenic treatment system and revised 4-log treatment of viruses.

**Permit No. 3613504**, Public Water Supply.  
 Applicant **Columbia Water Company**  
 Municipality West Hempfield Township  
 County **Lancaster**  
 Responsible Official David T Lewis, General Manager  
 220 Locust Street  
 Columbia, PA 17512  
 Type of Facility Public Water Supply  
 Consulting Engineer David T Lewis, P.E.  
 Columbia Water Company  
 220 Locust Street  
 Columbia, PA 17512  
 Application Received: 5/29/2013  
 Description of Action Installation of chlorine booster  
 station on Marietta Avenue.

Type of Facility Community Water System  
 Consulting Engineer Arthur Saunders, PE  
 United Water Pennsylvania, Inc.  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 717-561-1103  
 Application Received Date May 22, 2013  
 Description of Action Application for construction of a  
 2-ft. diameter by 24 LF chlorine  
 contact pipe on the discharge  
 line of the Haddonfield Well  
 which serves the Dallas area, in  
 order to assure 20 minutes  
 contact time following chlorine  
 injection.

#### MINOR AMENDMENT

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

*Northeast Region: Safe Drinking Water Program Man-  
 ager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

#### Application No. 4013505MA

Applicant **United Water Pennsylvania,  
 Inc.**  
 [Township or Borough] Dallas Township Luzerne County  
 Responsible Official John Hollenbach,  
 General Manager  
 United Water Pennsylvania, Inc.  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 Type of Facility Community Water System  
 Consulting Engineer Arthur Saunders, PE  
 United Water Pennsylvania, Inc.  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 717-561-1103  
 Application Received Date May 22, 2013  
 Description of Action Application for construction of a  
 2 1/2 -ft. diameter by 18 LF  
 chlorine contact pipe on the  
 discharge line of the Carpenter  
 Well which serves the Harvey's  
 Lake Borough area, in order to  
 assure 20 minutes contact time  
 following chlorine injection.

#### Application No. 4013505MA

Applicant **United Water Pennsylvania,  
 Inc.**  
 [Township or Borough] Dallas Township  
 Luzerne County Responsible Official  
 John Hollenbach,  
 General Manager  
 United Water Pennsylvania, Inc.  
 4211 East Park Circle  
 Harrisburg, PA 17111

#### Application No. 4013503MA

Applicant **Reliant Senior Care  
 Management, Inc.**  
 [Township or Borough] Butler Township  
**Luzerne County**  
 Responsible Official Noelle Kovalski,  
 Site Administrator  
 Butler Valley Manor  
 463 North Hunter Highway  
 Drums, PA 18222-2129  
 Type of Facility Community Water System  
 Consulting Engineer Max E. Stoner, PE  
 Glace Associates, Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011  
 717-731-1579  
 Application Received Date March 26, 2013  
 Description of Action Application to modify the  
 community water system serving  
 Butler Valley Manor to provide  
 additional chlorine contact  
 volume required to meet the  
 Groundwater Rule.

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

#### Application No. 1113505MA, Minor Amendment.

Applicant **Southwestern Cambria  
 County Water Authority**  
 79 Vogel Street  
 Johnstown, PA 15902  
 [Township or Borough] Conemaugh Township  
 Responsible Official Jeffrey Keyser,  
 Executive Chairman  
 Southwestern Cambria County  
 Water Authority  
 79 Vogel Street  
 Johnstown, PA 15902  
 Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Application Received Date June 11, 2013

Description of Action Installation of waterline and a pressure reducing vault.

**Application No. 3013502MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] Franklin Township

Responsible Official John W. Golding,  
Manager Southwestern  
Pennsylvania Water Authority  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Indianola, PA 15051

Application Received Date June 5, 2013

Description of Action Installation of approximately 4,316 feet of 8-inch waterline.

**Application No. 0213525MA, Minor Amendment.**

Applicant **Pittsburgh Water & Sewer Authority**  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official James Good, Interim  
Executive Director  
Pittsburgh Water &  
Sewer Authority  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer

Application Received Date June 5, 2013

Description of Action Installation of approximately 7,055 feet of 20-inch diameter; 2,424 feet of 12-inch diameter; 3,920 feet of 8-inch diameter and 230 feet of 6-inch diameter waterline along West Carson Street. The project also includes the installation of a pressure regulating vault and 10 fire hydrants.

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

**Application No. 1606502-MA1, Minor Amendment.**

Applicant **Redbank Valley Municipal Authority**

Township or Borough New Bethlehem Borough

Responsible Official Larry H. Adams

Type of Facility Public Water Supply

Consulting Engineer Thomas L. Thompson, P.E.  
Gannett Fleming, Inc.  
554 South Erie Street  
Mercer, PA 16137

Application Received Date May 24, 2013

Description of Action Installation of a drum screen and piping to be used as an emergency intake when the primary intake is out of service.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**C.K. Transport**, Interstate, 180 at MM201W passing lane, **White Deer Township, Union County**. Mr. David A. Bogovich, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, submitted a Notice of Intent to Remediate. The site was contaminated with diesel fuel to the soils area adjacent to the roadway. The site was and will remain a right-of-way area along the interstate highway. The Notice of Intent to Remediate was published in *The Daily Item* on May 16, 2013.

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

**Former CSX Bayfront Site**, West from Sassafras Street approximately 1,600 feet on north side of Bayfront Parkway, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Erie County Convention Center Authority, 809 French Street, Erie, PA 16501, submitted a Notice of Intent to Remediate. Soil samples were collected that contain concentrations of arsenic greater than the Residential Direct Contact Medium Specific Concentration of 12 milligrams per kilogram. Additionally, select surface soil samples contain concentrations of Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Chrysene, and Dibenz[a,h]anthracene. The Notice of Intent to Remediate was published in *The Erie Times-News* on May 3, 2013.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received for Determination of Applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*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 WMGR091. Lucas Lane Inc.**, 10 Lucas Lane, Bernville, PA 19506. The general permit covers processing of used oil filters. The processing is limited to crushing and thermal treatment leads to the beneficial use of scrap metal and waste oil generated from the filters. The application for renewal of General Permit Number WMGR091 was deemed complete by Central Office on June 5, 2013.

Amendments are being proposed to General Permit Number WMGR091 to make the general permit more readable by using the current format for general permits, update some of the standard conditions, and to transfer of

authority from the Department's central office to the regional offices to approve the determination of applicability. For more information or to obtain a copy of the proposed amended general permit, contact the Division of Municipal and Residual Waste at 717-787-7381 or via e-mail at ra-epbenuseall@pa.gov.

Written comments concerning the renewal application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR091" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is

constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

### 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.**

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

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

**48-00004A: Essroc Italcementi Group** (Route 248 and Easton Road, Nazareth, PA 18046) for modification of their Kiln No. 1 air pollution control devices to comply with 40 CFR Part 63 Subpart LLL at their facility in Lower Nazareth Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Essroc Italcementi Group (Route 248 and Easton Road, Nazareth, PA 18046) for their facility located in Lower Nazareth Township, Northampton County. This Plan Approval No. 48-00004A will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 48-00004A is for the installation of an activated carbon injection system as a supplemental mercury control, improvements to the existing dust collector (Source ID 203), installation of a dry scrubber to control emissions of SO<sub>2</sub>, and Kiln No. 1 stack partial reconstruction. The current emission limits for this source will not change as a result of this modification. The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00004A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania*

*Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**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.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-05124A: Schindler Elevator Corp.—Hanover** (21 Industrial Drive, Hanover, PA 17331) for a door line paint process to be installed at SEC/Hanover's new hydraulic elevator manufacturing in Penn Township, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the above mentioned company for the above mentioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 67-05124A is for a door line paint process to be installed at Schindler Elevator Corporation Hanover's new hydraulic elevator manufacturing. Particulate matter (PM) emissions from the one (1) spray paint booth will be controlled by dedicated dry panel filters. The Plan Approval and subsequent facility-wide operating permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. The estimated potential emissions from the proposed sources will be 0.3 ton per year of PM, 0.6 ton per year of Xylene, 8.1 tons per year of Methyl Isobutyl Ketone, 0.11 ton per year of Ethyl-Benzene, 8.9 tons per year of Total HAPs, and 17.6 tons per year of VOC, respectively.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**57-00005B: Appalachia Midstream Services, LLC** (P. O. Box 54382, 6100 North Western Avenue, Oklahoma City OK 73154) for an application for a plan approval to construct one dehydration unit at their Cherry Compressor Station located in Cherry Township, **Sullivan County**. The respective facility is a state only facility for which a state only operating permit has not yet been issued.

The Department's review of the information submitted by Appalachia Midstream Services, LLC indicates that the proposed dehydration unit to be constructed will comply with applicable regulatory requirements pertaining to air contamination sources. Additionally, the Department has determined that the proposed process satisfies best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12. Pursuant to the requirements of BAT, the dehydration unit including the existing four dehydration units are restricted to not exceed on a combined process basis (i.e. collectively) the following restrictions; 11.5 tpy of VOC emissions; 4.5 tpy of HAP emissions and 16,125 tpy of GHG emissions, expressed as CO<sub>2</sub>e. To demonstrate compliance with these limitations, the facility will be required to conduct monitoring, recordkeeping and reporting on certain process' parameters (e.g. throughput of tri-ethylene glycol). In addition, the facility will sample the inlet gas to the station to assure that it is representative of the gas analysis information submitted in the application. In addition to the requirement for the dehydration processes, the Department incorporated monitoring and work practice standards to minimize the GHG emissions from the Cherry Compressor Station to the maximum extent in accordance the requirements of 25 Pa. Code §§ 127.1 and 127.12.

Based on the findings above, the Department proposes to issue a plan approval with annual emission restrictions for the dehydration processes at the Cherry Compressor Station as well as monitoring, recordkeeping and work practice requirements to verify compliance with the annual emission restrictions. All existing requirements specified in Plan Approval 57-00005A remain in effect and valid.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 57-00005B to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Perform Audio, Visual and Olfactory (AVO) Inspections on a monthly basis

Perform Forward Looking Infrared (FLIR) camera inspections on a quarterly basis

Operate the dehydration processes using electric TEG recirculation pump

Operate the dehydration process using the Kimray gas pump no more than 10,000 hours per year on a combined process basis

Calculate and record the actual average benzene emissions (in terms of benzene emissions per year) as determined in accordance with § 63.772(b)(2).

Monitor VOC emissions using GRI-GLYCalc computer software

Record of actual throughput per day and the glycol circulation rate

Record of the fuel throughput of the reboiler on a monthly basis

Record the hours of operation for each occurrence of Kimray gas pump operation to verify compliance with the annual hours of operation restriction

The air contaminate emissions from all dehydration processes at the Cherry compressor station will be restricted to the following annual 12 consecutive month limitations; 11.5 tpy for VOC, 4.5 tpy for HAP and 16,125 tpy GHG emissions expressed as CO<sub>2</sub>e. Compliance requirements for these annual restrictions include monthly recordkeeping of emissions from each dehydration process at the station and monitoring the gas composition of the gas at the inlet to the Cherry Compressor Station.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (Plan Approval No. 57-00005B) and concise statements regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

**AMS 13153: Veterans Affairs Medical Center**, (3900 Woodland Avenue, Philadelphia, PA 19104) for modification of the permit No. 12247, 12254, & 12255. The modification includes removing plan approval exemption limits and increasing the hours of operation for each emergency generators to 500 hours. The emissions from the facility will be restricted to below the signification emission levels. The permit will contain operating, monitoring, and recordkeeping requirements to ensure that the emergency generators operate within all applicable requirements.



## OPERATING PERMITS

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

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

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

**14-00003: Pennsylvania State University** (101P Physical Plant Building, University Park, PA 16802) to issue a renewal Title V operating permit for their facility in College Township, **Centre County**. The facility is currently operating under Title V Operating Permit 14-00003. The facility's main sources include boilers at the West Campus Steam Plant, East Campus Steam Plant, and a medical waste incinerator. The facility also utilizes several smaller boilers and emergency generators throughout the facility. The facility has potential emissions of 349.2 tons per year of carbon monoxide, 915.3 tons per year of nitrogen oxides, 3,980 tons per year of sulfur oxides, 315.8 tons per year of particulate matter, 36.6 tons per year of volatile organic compounds, 61.5 tons per year of hazardous air pollutants, and 835,947 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327-0550.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (Permit No.14-00003) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

**49-00033: Watsontown Brick Co.** (PO Box 68, Route 405, Watsontown, PA 17777-0068) to issue a renewal Title V operating permit for their facility in Delaware Township, **Northumberland County**. The facility is currently operating under Title V Operating Permit 49-00033. The facility's main sources include a three natural gas fired brick kilns, various material sizing and handling equipment, several small natural gas/No. 2 fuel oil fired space heaters, and emergency diesel generators. The facility has potential emissions of 144.5 tons per year of carbon monoxide, 83.3 tons per year of nitrogen oxides, 249.9 tons per year of sulfur oxides, 107.7 tons per year of particulate matter, 8.25 tons per year of volatile organic compounds, 29.6 tons per year of total hazardous air pollutants (HAPs), and 50,657 tons per year of carbon dioxide equivalents (greenhouse gases). The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 49-00033) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00025: GE Transportation—Erie Plant** (2901 East Lake Road, Building 9-201, Erie, PA 16531) to modify a Title V Operating Permit for their facility in Lawrence Park Township, **Erie County**.

The modification is pursuant to 25 Pa. Code § 127.463. The permit expires September 30, 2016. GE Transporta-

tion is a major facility and is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapters F and G. The facility is subject to multiple State and Federal Regulations. The modification involves the incorporation of the requirements of 40 CFR 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Four new 132 HP Cummins diesel generators under Source 373 (with applicable requirements of 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines); Removal of Source 362 and adjust the emission rates and diesel consumption rates for Source 372; and, Include Source 968 (Miscellaneous plant-wide VOC emissions) with applicable requirements from 25 Pa. Code § 129.77. The requirements in Subpart DDDDD became effective April 1, 2013. The Department is required to revise the permit because the expiration date of the current permit is more than 3 years from the effective date of Subpart DDDDD. The boilers are subject to the tune-up and energy assessment work practice standards of Subpart DDDDD.

Minor changes were also made to the permit to reflect the amended language of 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines.

Copies of the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 25-00025) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

Written comments or requests for a public hearing should be directed to Mr. John F. Guth, Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew M. Williams, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**21-05052: Valk Manufacturing Co.—New Kingstown** (66 East Main Street, New Kingstown, PA 17072) for a snow plow and blade manufacturing operation in Silver Spring Township, **Cumberland County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The annual emissions in year 2012 were 7.63 tons of VOCs, 0.04 ton of Toluene, 0.5 ton of Xylene, 0.13 ton of Ethyl Benzene, 0.02 ton of Naphthalene, and 1.04 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel P. E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**21-03078: Carlisle Coating & Waterproofing** (1275 Ritner Highway, Carlisle, PA 17013) for their asphalt felts and coatings manufacturing operation in Carlisle Borough, **Cumberland County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The annual emissions in year 2012 were 1.1 ton of CO, 0.9 ton of NO<sub>x</sub>, 0.01 ton of SO<sub>2</sub>, 0.7 ton of PM, and 0.2 ton of VOC. The facility is subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture, and to 40 CFR Part 63, Subpart AAAAAAA—National Emission Standards for Hazardous Air Pollutants for Area Sources. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information

to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-05015: Topflight Corp.** (277 Commerce Drive, Glen Rock, PA 17327) for operation of their labels printing facility in Springfield Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The actual emissions 2012 were 18.45 tons per year of VOCs and 1.27 tons per year of Total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**55-00018: Cherry Hill Hardwoods, Inc.** (3150 Middle Road, Richfield, PA 17086) for renewal of the State Only

(Natural Minor) Operating Permit for their Richfield Lumber Mill in West Perry Township, **Snyder County**. The subject facility has the following potential emissions: 26 TPY of CO; 27.2 TPY of NO<sub>x</sub>; 20.1 TPY of SO<sub>x</sub>; 14.42 TPY of PM/PM<sub>10</sub>; 3.48 TPY of VOC; 0.72 TPY of HAPs and 14,132 TPY of CO<sub>2e</sub>. The facility's sources include one (1) wood waste-fired boiler, one (1) #2 fuel oil-fired boiler, various woodworking equipment (planers, molders and saws), four (4) lumber drying kilns and one (1) lumber pre-dry oven.

The emission restriction, testing, monitoring, record-keeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Part 63 and 25 Pa. Code Chapters 121—145.

The renewal State Only (Natural Minor) operating permit contains applicable MACT requirements to the sources at the facility. The proposed State Only (Natural Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 55-00018) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00166: Greene Team Pellet Fuel** (PO Box 74, Garards Fort, PA 15334) for the operation of a wood pelletizing plant in Greene Township, **Greene County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility uses a 26 mmbtu/hr, wood waste-fired rotary dryer to reduce the moisture content of raw sawdust from approximately 50% to about 8%. The dried sawdust is processed into wood pellets for use in residential pellet burning stoves. The dryer is controlled by a high efficiency multi-clone dust collector. The pellet production process includes crushing the dried saw dust with a hammer mill, screening the saw dust, forming the pellets, and then sorting the pellets by size. These processes are controlled by a 10,000 acfm baghouse. The potential emissions from the facility are estimated to be 16.3 tons NO<sub>x</sub> per year, 16.4 tons of CO per year, 2.5 tons SO<sub>2</sub> per year, 7.1 tons VOC per year, 3.1 tons HAPs per year, and 37.2 tons PM<sub>10</sub> per year. These estimates are based on an annual 7,800 hours of operation as requested by the owner/operator.

The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Semi-annual preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The proposed authorization is subject to State and Federal Regulations. The permit includes emission limits as well as operation, monitoring, reporting, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Nick Waryanka, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (30-00166) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Nick Waryanka, Air Quality Engineer, at the same address or phone at (412) 442-4172.

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

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

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

**S07-002: Philadelphia International Airport—City of Philadelphia—Department of Commerce—Division of Aviation** (8800 Essington Avenue, Philadelphia, PA 19153) for operation of airport in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight (8) 31 MMBTU/hr or less boilers burning No. 2 or natural gas, fifteen (15) less than 3 MMBTU/hr burning natural gas, one (1) 0.84 MMBTU/hr

boiler burning No. 2 oil, ten (10) emergency generators, one (1) 350 kW non-emergency generator, and one (1) peak-shaving generator with SCR.

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.

## 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 Returned*

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

**54930101T and NPDE Permit No. PA0595934. J & M Coal Company, LLC**, (1026 Pine Street, Pottsville, PA 17901), transfer of an existing anthracite surface miner operation from Char-Pac Coal Company in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaffer Creek. Application received: April 17, 2012. Application Withdrawn: June 6, 2013.

**54930101R4 and NPDE Permit No. PA0595934. J & M Coal Company, LLC**, (1026 Pine Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaffer Creek. Application received: December 18, 2012. Application Withdrawn: June 6, 2013.

*Coal Applications Received*

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

**30841316. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Morris Township, **Greene County** to install the 7 North 1 Portal sanitary force main. Surface Acres Proposed 0.9. No additional discharges. The application was considered administratively complete on June 6, 2013. Application received May 1, 2013.

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

**Permit No. 56060111 and NPDES No. PA0262269. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260,

Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Black Township, **Somerset County**, affecting 111.3 acres. Receiving streams: unnamed tributaries to/and Coxes Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 23, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03120103 and NPDES Permit No. PA0252271. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: unnamed tributaries to Patterson Creek and Buffalo Creek, classified for the following use: HQ-TSF. The potable water supplies with intake within 10 miles downstream from the point of discharge: Creekside Mushroom farm and Creekside Rest home. Application received: May 20, 2013.

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

**54830105R6. Joe Kuperavage Coal Company**, (915 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation Schuylkill Township, **Schuylkill County** affecting 412.6 acres, receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: May 24, 2013.

**54980102R3. Tuscarora Mines & Minerals Corp.**, (PO Box 131, Tuscarora, PA 17982), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 144.6 acres, receiving stream: Silver Creek, classified for the following uses: cold water and migratory fishes. Application received: May 24, 2013.

*Noncoal Applications Received*

*Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:*

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**43070303. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141) Revision to an existing large industrial minerals mine to add 11.8 acres in Springfield & Wilmington Townships, **Mercer County**,

for a total of 125.8 acres. Receiving streams: Unnamed tributary to Indian Run and Indian Run, classified for the following uses: TSF. There are no potable surface water intakes within 10 miles downstream. Application received: May 29, 2013.

**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**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E36-918: Strasburg Railroad Company**, Route 741 East, Strasburg, Pennsylvania, 17579-0096 in Paradise Township, **Lancaster County**, ACOE Baltimore District.

To abandon an existing concrete culvert and to install and maintain a 48 inch high density polyethylene pipe outfall with concrete endwall and riprap apron along Eshleman Run (CWF) (Latitude 40°00'11", Longitude -76°06'45"). The project is to improve drainage conditions for the railroad, preventing the tracks from becoming inundated with stormwater. No wetlands will be disturbed as a result of the project.

**E36-917: Lancaster County Commissioners**, 150 North Queen Street, Lancaster, Pennsylvania, 17603 in Marietta Borough and West Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 117 foot long, 15 foot, two inch wide, 3 span, pre-stressed concrete adjacent box beam pedestrian bridge on existing piers over Chiques Creek (WWF, MF); 2.) place and maintain 25 cubic yards of fill in the floodplains of Chiques Creek (WWF, MF) and the Susquehanna River (WWF, MF), for the purpose of providing a safe connection between the recreation trail network south of Chiques Creek and the recreation trail network north of Chiques Creek. The project is located approximately 1/2 mile south of the intersection of S.R. 441 and SR 23 (Latitude 40°03'18", Longitude -76°31'37") in West Hempfield Township and Marietta Borough, Lancaster County. No wetlands will be impacted by this project.

**F22-596: Middletown Borough**, 60 West Emaus Street, Middletown, PA 17057 in Middletown Borough, **Dauphin County**, ACOE Baltimore District.

To demolish and remove obstructions that were damaged by flooding from the floodplain of the Susquehanna River and Swatara Creek at the following locations listed. The projects propose to temporarily impact a total of 2.32 acres of floodplain. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>Latitude</i>	<i>Longitude</i>
1	605 Maple Rd	Swatara Creek	WWF,MF	40.205011	-76.719717
2	615 Few Ave	Swatara Creek	WWF,MF	40.202405	-76.718281
3	708 Maple Rd	Swatara Creek	WWF,MF	40.204515	-76.718552
4	711 Maple Rd	Swatara Creek	WWF,MF	40.204734	-76.718292
5	713 Few Ave	Swatara Creek	WWF,MF	40.203259	-76.718113
6	720 Few Ave	Swatara Creek	WWF,MF	40.203731	-76.717760
7	720 Maple Rd	Swatara Creek	WWF,MF	40.204396	-76.718007
8	725 Few Ave	Swatara Creek	WWF,MF	40.203879	-76.718071
9	729 Few Ave	Swatara Creek	WWF,MF	40.204169	-76.718015
10	730 Few Ave	Swatara Creek	WWF,MF	40.204268	-76.717661
11	932 Hoffer St	Swatara Creek	WWF,MF	40.206935	-76.718073
12	620 Few Ave	Swatara Creek	WWF,MF	40.202473	-76.717848
13	635 Few Ave	Swatara Creek	WWF,MF	40.202778	-76.718236
14	705 Maple Rd	Swatara Creek	WWF,MF	40.204786	-76.718602
15	732 Hoffer St	Swatara Creek	WWF,MF	40.203761	-76.718862
16	736 Hoffer St	Swatara Creek	WWF,MF	40.203925	-76.718650

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>Latitude</i>	<i>Longitude</i>
17	815 E Main St	Swatara Creek	WWF,MF	40.200500	-76.717200
18	98 Susquehanna St	Susquehanna River	WWF,MF	40.186985	-76.736975
19	637 S Catherine St	Susquehanna River	WWF,MF	40.188685	-76.736321
20	673 S Union St	Susquehanna River	WWF,MF	40.187739	-76.734416
21	717 Few Ave	Swatara Creek	WWF,MF	40.203535	-76.718101
22	918 Adelia St	Swatara Creek	WWF,MF	40.206790	-76.719427

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

**E26-367. Perryopolis Auto Auction**, 3447 Pittsburgh Road, Perryopolis, PA 15473-1377, Perryopolis Borough, **Fayette County**; ACOE Pittsburgh District

Applicant proposes to place and maintain fill in approximately 0.72 acre of wetland (PEM), for the purpose of constructing an expansion of a parking area, at the Perryopolis Auto Auction, which is located at the intersection of Barneys Road and Route 51, within the watershed of an unnamed tributary to Washington Run (WWF), in the Borough of Perryopolis, Fayette County. Approximately 0.03 acre of additional wetland will be impacted in conjunction with the construction of approximately 0.86 acre of replacement wetland, to compensate for the wetland impacts. (Fayette City, PA Quadrangle: N: 15.94 inches; W: 1.86 inches; Latitude: 40° 05' 16"; Longitude: 79° 45' 48"; Sub-basin: 19D Chapter 93 Type WWF).

**E63-650. PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, North Strabane Township, **Washington County**; ACOE Pittsburgh District

Applicant proposes to construct and maintain 214 feet of 78 inch concrete pipe enclosure with 61 feet of scour protection for the replacement of an existing 64 foot by 60 inch concrete culvert; fill and maintain 0.02 acre of diminimus wetland; and construct and maintain associated stormwater outfalls. In addition the project includes 1050 feet of temporary impacts on Sherrick Run due to be provided off site. This project is associated with the SR 519 Section 138 Safety Improvement Project for PennDOT Engineering District 12-0. (Washington East Pa Quadrangle; N: 13.25 inches; W: 0.25 inch; Latitude 40° 12' 18"; Longitude -80° 7' 33") North Strabane Township, Washington County.

**E56-367. PA Turnpike Commission**, PO Box 67676, Harrisburg, PA 17106-7676, New Baltimore Borough, **Somerset County**; ACOE Baltimore District

Applicant proposes to place and maintain fill in an approximately 0.01 acre wetland (PEM), as a result of the construction of a new, two-span (85' 0" each), pre-stressed concrete box beam bridge, which will replace the existing, 78' 0" concrete rigid frame, Findley Street Bridge over the PA Turnpike, as part of the complete reconstruction and widening of the PA Turnpike, from milepost 125.6 to 133.5. The existing bridge is located near the intersection of Findley Street with Carmel Drive, in **New Baltimore Borough**, Somerset County, and at PA Turnpike milepost 129.01, within the watershed of the Raystown Branch Juniata River (CWF, MF). The new Findley Street Bridge

will be constructed approximately 110' east of the existing overpass, since the existing structure provides the only access to a church and three (3) residential properties. The existing bridge will be removed after the new structure is constructed. Compensation for the wetland impact will be provided in a mitigation plan that will be a component of another, separate application, for a Water Obstruction and Encroachment Permit, for the aforementioned PA Turnpike mainline reconstruction project. (New Baltimore, Pa Quadrangle; N: 19.81 inches; W: 3.43 inches; Lat: 39° 59' 2.8"; Long: -78° 46' 28.1"; Sub-basin: 11C Chapter 93 Type: CWF, MF).

**E65-956. PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Unity Township, **Westmoreland County**; ACOE Pittsburgh District

Applicant proposes to remove the existing SR 2027 two lane, 34 foot wide by 30 foot long single span bridge having a minimum underclearance of 9.5 feet with a skew of 45 degrees; construct and maintain a replacement 31.4 foot wide 67.5 foot long 8 foot underclearance box culvert with a skew of 45 degrees; and relocate 150 feet of adjacent stream channel with a drainage area of 3.15 square miles, Ninemile Run (WWF). In addition the project includes temporary encroachments for construction and demolition; construction and maintenance of associated stormwater outfalls; and fill and maintain a de minimis 0.043 acre of wetland. The project is located in Unity Township (Mammoth PA Quadrangle, North 20.9 inches and West 4.6 inches; Latitude 40° 14' 24.5" and Longitude -79° 24' 27), Westmoreland County.

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

**E1229-001: EQT Gathering, LLC**, 455 Racetrack Road, Suite 101, Washington, PA 15301, Shippen Township, **Cameron County**, ACOE Baltimore District.

To construct, operate and maintain the NILO-S006 Pipeline Project, which consists of one 8-inch diameter steel natural gas pipeline, with the following impacts:

1. 43.0 linear feet of Whippoorwill Hollow Run (HQ-CWF, MF) via open cut trenching and a temporary timber mat construction crossing (West Creek, PA Quadrangle, Latitude: N41°25'25.05", Longitude: W78°17'33.66");

2. 40.0 linear feet of Bell Run (HQ-CWF, MF), 610 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 436 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and a temporary timber mat construction crossing (West Creek, PA Quadrangle, Latitude: N41°26'28.43", Longitude: W78°19'39.44");

3. 40.0 linear feet of Beldin Hollow (HQ-CWF, MF) via open cut trenching and a temporary timber mat construction crossing (West Creek, PA Quadrangle, Latitude: N41°26'30.42", Longitude: W78°19'50.89"); and

4. 40.0 linear feet of a UNT to East Branch Hicks Run (HQ-CWF, MF) via open cut trenching and a temporary timber mat construction crossing (West Creek, PA Quadrangle, Latitude: N41°27'27.09", Longitude: W78°21'04.24").

The project will result in 163.0 linear feet of temporary stream impacts, 610 square feet (0.01 acre) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 610 square feet (0.01 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands all for the purpose of installing a natural gas gathering line and associated access roadways for Marcellus shale development.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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#### I. NPDES Renewal Permit Actions

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*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>
PAS802209 (Storm Water)	Swallow Associates, L.P. Werner Transportation 5422 Oakview Drive Allentown, PA 18104	Lehigh County Upper Macungie Township	Unnamed Tributary to Cedar Creek (2-C)	Y



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032883 (Sew)	Duncansville Borough Municipal Authority PO Box 308 Duncansville, PA 16635	Blair County Duncansville Borough	Blair Gap Run / 11-A	Y
PA0244597 (CAFO)	Walmoore Holsteins, Inc. 1826 Howell Moore Road West Grove, PA 19390	Chester County Londonderry Township London Grove Township	Middle Branch White Clay Creek & East Branch White Clay Creek / 3-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0024864 Sewage	Ligonier WPCP 2132 SR 30 E Ligonier, PA 15658	Westmoreland Cnty Ligonier Boro	Mill Creek	Y
PA0027651 Sewage	W Newton Boro SR 3039 W Newton, PA 15089	Westmoreland Cnty W Newton Boro	UNT to Youghiogheny River & Youghiogheny River	Y
PA0217646 Sewage	Dunbar Boro/Twp Sew Auth Ranch Rd Dunbar, PA 15431	Fayette Cnty	Dunbar Boro Dunbar Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222453 (Sewage)	Scenic Heights Golf Course 7830 Knoyle Road Wattsburg, PA 16442	Erie County Venango Township	Unnamed Tributary of Sixmile Creek (15-A)	Y
PA0090514 (Sewage)	Gulick MHP 457 Kepple Road Sarver, PA 16055-8613	Butler County Winfield Township	Unnamed Tributary of Buffalo Creek (18-F)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0026085**, Sewage, **Upper Merion Municipal Utility Authority** 175 W. Valley Forge Road, King of Prussia, PA 19406.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Matsunk WPCP to Frog Fun, Tributary to Schuylkill River in Watershed 3F - Lower Schuylkill.

**NPDES Permit No. PA0044776**, Sewage, **Northwestern Chester County Municipal Authority**, 5277 Horseshoe Pike, P. O. Box 308, Honey Brook, PA 19344.

This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Honey Brook Township STP to West Branch Brandywine Creek in Watershed 3-H.

**NPDES Permit No. PA0026298**, Sewage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Whitemarsh STP to Schuylkill River in Watershed 3-F.

**NPDES Permit No. PA0050458**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Little Washington Culbertson Run WWTP to Culbertson Run in Watershed 3-H.

**NPDES Permit No. PA000054917**, Sewage, **Uwchlan Township Municipal Authority**, 715 North Ship Road, Exton, PA 19341-1940.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Uwchlan Township Eagleview STP to Shamona Creek in Watershed 3-H.

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

**NPDES Permit No. PA0038237** Sewage, **Rostraver Twp Sew Auth.**, 1744 Rostraver Rd., Belle Vernon, PA 15012-4001

This proposed facility is located in Rostraver Twp., **Westmoreland Cnty**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

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

**PA0239976**, SIC Code 4941, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. Facility Name: Redbank Valley WTP.

This existing facility is located in New Bethlehem Borough, **Clarion County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

**PA0238465**, Industrial Waste, SIC Code 4941, **Johnsonburg Municipal Authority**, 520 A Market Street, Johnsonburg, PA 15845-1284. Facility Name: Johnsonburg Borough WTP.

This existing facility is located in Ridgway Township, **Elk County**.

Description of Existing Activity: Renewal/expansion of an NPDES permit for an existing discharge of treated filter backwash and filter to waste water.

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### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**WQM Permit No. 2593416**, Sewerage **Amendment No. 1**, **Eric D. Engel**, 12862 Hood Road, Waterford, PA 16441.

This existing facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 2503415**, Sewage, **Amendment No. 1**, **Edward J. Passamonte**, 8631 Haft Road, Erie, PA 16510-4901.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for a Single Residence Sewage Treatment Plant.

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

*Facility Location*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Tredyffrin Township Chester County	PAI130504	Tredyffrin Township Chester County 1100 Duportail Road Berwyn, PA 19312	Crow Creek, Darby Creek, Gulph Creek, Little Valley Creek, Trout Creek and Unnamed Tributary to Crum Creek—3-F and 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
West Whiteland Township Chester County	PAI130530	West Whiteland Township Chester County 101 Commerce Drive Exton, PA 19341-2726	Broad Run and Valley Creek—3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Salford Township Montgomery County	PAI130002	Salford Township Montgomery County 139 Ridge Road PO Box 54 Tylersport, PA 18971	Unnamed Tributary to East Branch Perkiomen Creek and Unnamed Tributary to Ridge Valley Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 2313002	The Boeing Company PO Box 16858 MC P29-14 Philadelphia, PA 19142	Delaware	Ridley Township	Crum Creek WWF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907027R	Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Twp.	Schaefer Run, HQ-CWF, MF
PAI024512008	PPL Electric Utilities 2 North 9th St., GENN-3 Allentown, PA 18101	Monroe	Jackson Twp. Pocono Twp.	Transue Run, HQ-CWF, MF; UNTs to Transue Run, HQ-CWF, MF; Dry Sawmill Run, HQ-CWF, MF; UNTs to Dry Sawmill Run, HQ-CWF, MF; Appenzell Creek, HQ-CWF, MF; Wolf Swamp Run, EV, MF; UNTs to Wolf Swamp Run, EV, MF
PAI023906008R	Sorensen Construction 4542 Senny Court New Tripoli, PA 18066	Lehigh	Lower Milford Twp.	UNT to Unami Creek HQ-TSF, MF
PAI024510009	Middle Smithfield Materials, Inc. P. O. Box 674 Bushkill, PA 18324	Monroe	Middle Smithfield Twp.	UNT to Bushkill Creek HQ-CWF, MF
PAI024807004R	Riverbend Bethlehem Holdings I, LLC 204 W Newberry Rd. Bloomfield, CT 06002	Northampton	Lower Nazareth Twp. & Bethlehem Twp.	Monocacy Creek HQ-CWF, MF
PAI023912013(1)	PPL Electric Utilities 2 North 9th St., GENN-3 Allentown, PA 18101	Lehigh	Upper Macungie Twp.	Breinig Run HQ-CWF, MF, EV Wetlands
PAI024810016	Monocacy Heights, L.P. 4562 Steuben Rd. Bethlehem, PA 18020	Northampton	Plainfield Twp.	Little Bushkill Creek HQ-CWF, MF
PAS10U168R	Jaindl Land Company 3150 Coffeetown Rd. Orefield, PA 18069	Northampton	Forks Twp.	Monocacy Creek HQ-CWF, MF
PAS10U184R	Nic Zawarski & Sons Developers Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	Forks Twp.	Bushkill Creek HQ-CWF, MF
PAI025211004	Pennsylvania Department of Transportation, Engineering Dist. 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Westfall Twp.	Rosetown Creek HQ-CWF, MF; Tributary to Delaware River HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903037R(1)	Upper Macungie Twp. 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Twp.	UNT to Little Lehigh Creek HQ-CWF, MF
PAI024513003	Parkland Community Library Committee 4422 Walbert Ave. Allentown, PA 18104 Pocono Health System 206 E Brown St. East Stroudsburg, PA 18301	Monroe	Chestnuthill Twp	UNT to McMichael Creek EV, MF
PAI024812013	Palmerview Acquisition Limited Partnership 770 Township Line Rd. Suite 150 Yardley, PA 19067	Northampton	Palmer Twp.	UNT to Shoeneck Creek CWF, MF & Shoeneck Creek CWF, MF
PAI024812020	Mark Danial 4901 Kesslersville Rd. Easton, PA 18040	Northampton	Forks Twp.	UNT to Bushkill Creek, HQ-CWF, MF
PAI024011001	Sand Springs Development Corporation 4511 Falmer Dr. Bethlehem, PA 18020	Luzerne	Butler Twp.	Long Run EV

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032104004R	Skipjack Pennsylvania, LLC 8601 Robert Fulton Drive Columbia, MD 21046	Cumberland	Silver Spring Township	Trindle Springs Run (HQ)

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Bucks County Upper Makefield Township	PAG02000906083-R	Mack & Roedel Custom Builders, LLC 5910 Stover Mill Road Doylestown, PA 18901	Jericho Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bucks County Springfield Township	PAG02000911055-R	PPL Electric Utilities Corporation 1639 Church Road Allentown, PA 18104	Unnamed Tributary to Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bucks County Bedminster Township	PAG02000913023	Michael D. Loughran 307 Jefferson Drive Ottsville, PA 18942	Tributary to Tohickon Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester County Schuylkill Township	PAG02001513007	Sue Ellen Roser P. O. Box 24 Valley Forge, PA 19482	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester County West Chester Borough	PAG02001513014	Dolores C. Giardina, Director West Chester University Business & Public Affairs Ctr 201 Carter Drive, Suite 300 West Chester, PA 19383	Plum Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester County Easttown Township	PAG02001513011	Adrian & Kimberly Adams 322 Winfield Road Devon, PA 19333	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Delaware County Concord Township	PAG02002308013R	Baker Residential of PA 3 Creek Parkway, Suite 220 Naamans Creek Business Center Boothwyn, PA 19061	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Delaware County Newtown Township	PAG02002313012	Aronimink Golf Club 3600 St. David's Road Newtown Square, PA 19073	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Delaware County Concord Township	PAG02002313004	Concord Spring Valley Partners, L.P. 1301 Lancaster Avenue Berwyn, PA 19312-1290	Webb Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery County Upper Hanover Township	PAG02004607184R	Steve Lampmann 104 Old Mill Road Sellersville, PA 18960	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery County Skippack Township	PAG02004609050-1	Elizabeth O'Reily 18th & Herr Streets Harrisburg, PA 17125	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery County Lower Merion Township	PAG02004613011	Angela & Lazaros Kalemin 1010 Grenoble Road Warminster, PA 18974	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Saucon Twp., Lehigh County	PAG02003912020	Jeffery Strauss Elysium Acquisitions LLC// REP Property Management, LLC 718 Glenwood St. Allentown, PA 18104	Laurel Run Tributary to Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethlehem Twp., Northampton County	PAR10U99-1R	Lehigh Valley Industrial Park, Inc. 1720 Spillman Drive Suite 150 Bethlehem, PA 18015	Nancy Run, CWF, MF; Lehigh River, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Upper Mt. Bethel Twp. & Portland Boro, Northampton County	PAG02004812005	Portland Industrial Park LP 102 Demi Rd. Portland, PA 18351	Unnamed Tributary to Delaware River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Springville Twp., Susquehanna County	PAG02005813001	WFO Enterprises 207 State Rountt 29 Tunkhannock, PA 18657	Meshoppen Creek, CWF, MF	Susquehanna Co. Const. Dist. 570-278-4600
Lehigh Twp., Northampton County	PAG02004807034R	LH&H 649 Hauser Dr. Walnutport, PA 18088	UNT to Lehigh River (PA 903 to Allentown Dam), CWF, MF	Northampton Co. Cons. Dist. 610-746-1971

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<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>
Lower Swatara Township, Dauphin County	PAG02002213017	Courtney Lehman Scannell Properties #157, LLC 800 East 96th Street Indianapolis, IN 46240	Swatara Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Oley Township, Berks County	PAG02000608023	SFHS, Inc. c/o Susquehanna Banchares Tianna Baker 307 International Circle Hunt Valley, MD 21030	Mud Run & Little Manatawny Creek (Tributary to Manatawny Creek)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Howe Township, Perry County	PAG02035012009	Republic Development Corp. PO Box 36 Mexico, PA 17056	Juniata River (WWF)	Perry Co. Conservation District 31 West Main Street New Bloomfield, PA 17068 (717) 582-8988
Cumberland Township, Adams County	PAG02000113014	Richard D. Leatham S&A Custom Built Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Willoughby Run (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Gettysburg Borough, Adams County	PAG02000111017(1)	William Baldwin Gettysburg College 300 North Washington Street Gettysburg, PA 17325	Rock Creek via Stevens Run (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Cumberland Township, Adams County	PAG02000113001	Brandon Keller 1714 Mummasburg Road Gettysburg, PA 17325	Willoughby Run (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
West Manchester Township, York County	PAG02006711020R	Paul Teyssier Church of the Open Door 8 Carlisle Court York, PA 17408	UNT to Willis Run (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

## NOTICES

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<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>
Fairview Township, York County	PAG02006713002	Mr. Niraj E. Parekh Moonstone Hospitality, LLC 1 Foxfield Court Mechanicsburg, PA 17050	Yellow Breeches Creek (CWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Lampeter Township, Lancaster County	PAG02003613034	Willow Valley Associates 200 Willow Valley Square Lancaster, PA 17602	UNT to Mill Creek (WWF; MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Troy Township Bradford County	PAG02000813004	Robert & Susan Storch 3457 Porter Rd Troy PA 16947	W B Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Lawrence Township Clearfield County	PAG02001711011R	Dept of General Services 18th & Herr Sts Harrisburg PA 17125	W B Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Gulich & Woodward Townships Clearfield County	PAG02001711014(1)	Woodward Twp. Sewer & Water Auth PO Box 6 Houtzdale PA 16651	Beaver Run CWF Whiteside Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Sandy Township Clearfield County	PAG02001713002	Sheetz Inc 351 Sheetz Way Claysburg PA 16625	UNT to Pentz Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Lawrence Township Clearfield County	PAG02001713003	Martin Belella 1143 Sunset Lake Rd Rockton PA 15856	Wolf Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Huston Township Clearfield County	PAG02001713004	Huston Township Water Authority PO Box 166 Penfield PA 15849	Bennett Branch of Sinemahoning Creek CWF Mill Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Wayne Township Clinton County	PAG02001812004	Henry Sorgen Highway Equipment 122 Fritz Rd Lock Haven PA 17745	UNT to W B Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Hemlock Township Columbia County	PAG02001913004	Buckhorn Volunteer Community Fire Co 19 Fire Hall Rd Bloomsburg PA 17815	Hemlock Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102

<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>
Dubois Borough Lycoming County	PAG02004112032	Ray Veneina SBI Land LLC 4771 Rose Valley Rd Trout Run PA 17771	Mosquito Creek CWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Liberty Township Montour County	PAG02004713002	Michael McWilliams 223 E 13th St Berwick PA 18603	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Point Township Northumberland Cnty	PAG02004908003R	Hemlock Hollow Strawbridge Rd Northumberland PA	Lithia Spring Creek CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Delmar Township Wellsboro Boro Tioga County	PAG02005911005R	PA Fish & Boat Commission 450 Robinson Ln Bellefonte PA 16823	Morris Branch CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
White Deer Township Union County	PAG02006012012	Earl Pilling 2525 Old Route 15 New Columbia PA 17856	UNT to W B of Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Union Township Union County	PAG02006013002	David Bogovich LDB Properties LLC 1172 Ridge Rd Northumberland PA 17857	W B Susquehanna River WWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Scalplevel Borough Cambria County	PAG02001113001	Norfolk Southern Railway Company 1200 Peachtree St. NE Atlanta, GA 30309-1843	Little Paint Creek (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Susquehanna Township Cambria County Green Township Indiana County	PAG02001113006	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Peg Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Stonycreek Township Somerset County	PAG02005608001R	Mountain Ridge ATV Trail Corporation PO Box 98 New Baltimore, PA 15553	Boone Run, Clear Run, Rhoades Creek, Little Dark Shade Creek	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (814) 445-4652
Independence Township Washington County	PAG02006311018R	Jerome A. Stefkovich 18 Campbell Street PO Box 55 Avella, PA 15312	Cross Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098



<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Chartiers Township Washington County	PAG02006313009	Piatt Estates Chartiers, LP 95 W. Beau Street Suite 600 Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Nottingham Township Washington County	PAG02006313011	Peters Creek Sanitary Authority	UNT to Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<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>
Connoquenessing Township Butler County	PAG02001003035R	William Weaver PO Box 449 Mars PA 16046	Unt Connoquenessing Creek / CWF	Butler County Conservation District 724-284-5270
North Beaver and Mahoning Townships Lawrence County	PAG0203713001	Hickory Run Energy LLC Attn: Mr. Robert Colozza VP 400 Chesterfield Center, Suite 110 St. Louis MO 63017	Unt Mahoning River WWF	Lawrence County Conservation District 724-6524512
Irwin Township Venango County	PAG02006113002	South Sandy Creek Watershed Association 27572 Deckards Road Cochranon PA 16314	Williams Run CWF	Venango County Conservation District 814-676-2832

*General Permit Type—PAG-03*

<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>
East Caln Township Chester County	PAR700009	Highway Materials Inc. 1750 Walton Road Blue Bell, PA 19422	Valley Creek—3-H	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR800151	FC Haab Co. Inc. 2314 Market Street Philadelphia, PA 19103	Schuylkill River— 3-F	Southeast Region Clean Water Program 484.250.5970
City of Aliquippa Beaver Cnty	PAR216148	US Gypsum Co 1 Woodlawn Rd Aliquippa, PA 15001	Jones Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4*

<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>
Berks County / Amity Township	PAG043614, Transfer #1	Jennifer & Michael Souder 577 Monocacy Hill Road Birdsboro, PA 19508	UNT Monocacy Creek / 3-D / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Greene Township Erie County	PAG048908	Edward J. Passamonte, 8631 Haft Road, Erie, PA 16510-4901	Unnamed Tributary to the Fourmile Creek (15-A)	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

<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>
New Stanton Boro Westmoreland Cnty	PAG056184	Sunoco Inc. 5733 Butler St PGH, PA 15201-2115	Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County / Bedford Township	PAG083582	The Municipal Authority of the Borough of Bedford 244 West Penn Street Bedford, PA 15522	N/A	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County / Middlesex Township & South Middleton Township	PAG083570	Borough of Carlisle 54 North Middlesex Road Carlisle, PA 17013	Ralph Deitch Farm 390 South Middleton Road Carlisle, PA 17013	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-13*

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

<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>
Upper Gwynedd Township Montgomery County	PAG130031	Upper Gwynedd Township Montgomery County PO Box 1 One Parkside Place West Point, PA 19486	Towamencin Creek, Unnamed Tributary to Towamencin Creek, Unnamed Tributary to Zacharias Creek, Wissahickon Creek and Zacharias Creek—3-E and 3-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-13 & MS4 Waivers*

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<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>
WAIVER  Jeddo Borough Luzerne County	PAG132307	Jeddo Borough Luzerne County 82 Highland Road Freeland, PA 18224	Unnamed Tributary to Black Creek— CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Dallas Borough Luzerne County	PAG132234 Dallas Borough Luzerne County 25 Main Street Dallas, PA 18612	Toby Creek—CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
HAIVER Hazle Township Luzerne County	PAG132300 Hazle Township Luzerne County P O Box 506 Harleigh, PA 18225	Black Creek— HQ-CWF Cranberry Creek— HQ-CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136293 Waiver	E Rochester Boro 760 Spruce Ave E Rochester, PA 15074	Beaver	E Rochester Boro	Ohio River	N
PAG136302 Waiver	Adamsburg Boro PO Box 16 Adamsburg, PA 15611	Westmoreland	Adamsburg Boro	UNT to Sewickley Creek	N
PAG136186 Waiver	Everson Boro 232 Brown St Everson, PA 15631	Fayette	Everson Boro	Jacobs Creek	N
PAG136297 Waiver	Roscoe Boro PO Box 502 Roscoe, PA 15477	Washington	Roscoe Boro	Monongahela River	N
PAG136228 Waiver	Bridgewater Boro 199 Boundary Ln Bridgewater, PA 15009	Beaver	Bridgewater Boro	Beaver River	N

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin Twp Beaver Cnty	PAG136317 Franklin Twp 897 SR 288 Fombell, PA 16123	Connoquenessing Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES  
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Jared Rottmund 1030 Girl Scout Road Stevens, PA 17578	Lancaster	55	561.92	Swine	NA	A
Paul Swanger 150 Kissel Barrick Road Bainbridge, PA 17502	Lancaster	12	372.47	Swine	NA	A

### 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 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 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**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Operations Permit** issued to: **Salem United Methodist Church**, 7670349, Lower Windsor Township, **York County** on 6/6/2013 for the operation of facilities approved under Construction Permit No. 6712519.

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

**Operation Permit** issued to **Pennsylvania American Water Company**, PWSID #5100012, City of Butler,

**Butler County**. Permit Number 1012503 issued June 4, 2013 for the operation of the corrosion control inhibitor at the Butler District water treatment plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 21, 2013.

**Operation Permit** issued to **Gregory A. Kasemer d/b/a Fountain House Mobile Home Park**, PWSID #6200044, Woodcock Township, **Crawford County**. Permit Number 2089503-MA1 issued June 4, 2013 for the operation of the Fountain House Mobile Home Park interconnect pipeline between the "Phase 1" and "Phase 2" distribution systems. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 24, 2013.

**Operation Permit** issued to **Pennsylvania American Water Company**, PWSID #6370011, Wayne Township, Lawrence County. Permit Number 3712504 issued June 4, 2013 for the operation of the corrosion control inhibitor at the Ellwood District water treatment plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 21, 2013.

**Operation Permit** issued to **Skyline Development, Inc.**, PWSID #6430074, West Salem Township, **Mercer County**. Permit Number 4399502-MA1 issued June 5, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Gregory A. Kasemer d/b/a Fountain House Mobile Home Park**, PWSID #6200044, Woodcock Township, Crawford County. Permit Number 2011505 issued June 4, 2013 for the operation of the Fountain House Mobile Home Park upgrades to the Well House A and Well House B. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 24, 2013.

**Operation Permit** issued to **Bradford City Water Authority**, PWSID #6420014, Bradford Township, **McKean County**. Permit Number 4283501-MA2 issued June 6, 2013 for the Bradford Water Treatment Plant chemical storage facilities for the caustic soda and the polyaluminum chloride. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 3, 2013.

**Construction/Operation Permit** issued to **Harmony Borough Water Authority**, PWSID #5100042, Jackson Township, **Butler County**, June 10, 2013, for the construction/operation of a mobile bulk loading station at one take point for the purpose of bulk water sale for

non-potable water use. Construction and Operation authorized simultaneously under permit number 8318W-MA6 issued June 10, 2013.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:* Madison at Palmerview

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Palmer Township	Palmer Township Municipal Building 3 Weller Place PO Box 3039 Palmer, PA 18043-3039	Northampton

*Plan Description:* The approved plan provides for a proposed Official Plan Revision consisting of 306 multi-family residential units in three and five story apartment buildings on a 34.37 acre tract. The project will include community clubhouses and amenity areas and a maintenance facility. An extension of Corriere Road through the property to intersect with Van Buren Road is also included. The project will include 157 one bedroom units and 149 two bedroom units with an estimated 455 occupants.

The 69,334 GPD of proposed sewage flows will be collected and conveyed by the Palmer Township Municipal Sewer Authority through the Schoeneck Creek Interceptor to the Easton Area Joint Sewer Authority Wastewater Treatment Plant.

Easton Suburban Water Authority will provide public water to the project.

The proposed development is located at Corriere Road and Van Buren Road, Palmer Township, Northampton County.

The plan revision is approved with the following conditions:

The approved project will require a Clean Streams Law (CSL) permit for the construction and operation of the proposed sewerage facilities. The permit application must be submitted in the name of Palmer Township Municipal Sewer Authority (Permittee). Approval of this planning module is only approval of the preliminary concept of the proposed project and does not assure that a permit application will be acted upon favorably by the Department. Issuance of a CSL permit will be based upon a technical evaluation of the permit application and supporting information. Starting construction prior to obtaining a permit is a violation The Clean Streams Law. Instructions and applications may be obtained from the Department's Northeast Regional Office, Clean Water Program, at the letterhead address.

This plan approval does not include approval of the system design that will be evaluated and approved as part of the CSL permit application review.

Other Department permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department's Waterways and Wetlands Program, Northeast Regional Office, at the letterhead address, or by calling (570) 826-2511.

We assume that the developer intends to construct the collection system at his/her own expense and dedicate it to the municipality upon completion for maintenance and operation.

Any required NPDES Permits or WQM Permits must be obtained in the name of Palmer Township Municipal Authority.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South New Castle Borough	2308 Morris Street, New Castle, PA 16102	Lawrence

*Plan Description:* The approved plan concludes with the alternative of "No Action" being selected when considering the existing and future sewage needs in the Borough. No additional sewer extensions are anticipated and there is no anticipated development or population growth within the Borough. The Plan was submitted under the Consent Order and Agreement dated July 15, 2011. Flows from the Borough are sent to the wastewater treatment plant owned and operated by the New Castle Sanitation Authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hickory Township	P. O. Box 44, Endeavor, PA 16322	Forest

*Plan Description:* The approved plan provides for marginally increasing a previously approved wastewater treatment plant size from 4500 gpd to 6000 gpd. This was proposed as both a function of treatment plant size availability and to create additional flexibility in addressing malfunctioning on-lot systems in the future. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Earl Township	517 North Railroad Ave New Holland PA 17557	Earl

*Plan Description:* Approval of a revision to the Official Sewage Plan of Earl Township, Lancaster County. The plan revision provides for the use of a new sewage treatment facility, with a discharge to an unnamed tributary of the Conestoga River, to serve the long term sewage disposal needs of a mobile home park with 82 existing mobile home units (some with previous on lot system malfunctions) and a proposed 14 additional units generating a total of 14,000 gpd in sewage flows. The property is located 5.2 miles east of the intersection of Routes 222 and 322 on Route 322 in Earl Township, Lancaster County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-36923-276-3 and the name of the

module is Log Cabin Court. Any required WQM Permits must be obtained in the name of the property owner.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mechanicsburg Borough	36 West Allen Street Mechanicsburg, PA 17055	Cumberland

*Plan Description:* Approval of a revision to the official plan of Mechanicsburg Borough, Cumberland County. The project is known as the Hershner Manor Sewer Extension. The plan provides for the extension of public facilities to serve 4 existing residential lots (3, 6, 7 and 8) and a vacant lot (4) with Borough sewers and ultimate treatment at the Mechanicsburg Borough Wastewater Treatment facility. The proposed development is located on Cedar Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-21804-061-3m and the APS Id is 813862.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**C.K. Transport, Interstate, 180 @ MM201W passing lane**, White Deer Township, **Union County**. Mr. David A. Bogovich, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, submitted a Notice of Intent to Remediate. The site was contaminated with diesel fuel to the soils area adjacent to the roadway. The site was and will remain a right-of-way area along the interstate highway. The Notice of Intent to Remediate was published in *The Daily Item* on May 16, 2013.

## 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Magnesita Refractories Company**, 1545 East Berlin Road, York, PA 17404, West Manchester Township, **York County**. EA Engineering, Science and Technology, One Marketway West, Suite 4C, York, PA 17401, on behalf of Magnesita Refractories Company, 425 South Salem Church Road, York, PA 17408, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil and chlorinated solvents. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on June 10, 2013.

**Emerson Electric**, Formerly Fincor Automation, 3750 East Market Street, York, PA, 17402, Springettsbury Township, **York County**. WSP Environment & Energy, 750 Holiday Drive, Suite 410, Pittsburgh, PA 15220, on behalf of Emerson Electric Company, 8000 West Florissant Avenue, St. Louis, MO 63136-8506, submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with VOCs, PAHs, PCBs and Inorganics. The Remedial Investigation Report was approved by the Department on May 23, 2013. This is a correction to a notice that was published June 8, 2013, in the *Pennsylvania Bulletin*.

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

**EXCO Resources (PA) LLC. Lougee 4H Pad**, 6716 Church Road, Washington Township, **Jefferson County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of EXCO Resources (PA), LLC., 3000 Ericsson Drive, Suite 200, Warrendale, PA 15086 submitted a Remedial Investigation / Final Report concerning the remediation of site soils contaminated with Barium, Boron, Calcium, Magnesium, Manganese, Potassium, Sodium, Strontium, and Chloride. The Remedial Investigation/Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on May 24, 2013.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

Proposed Autozone #4633 (former Premier Auto Detailing), 655 East Pittsburgh Street, Greensburg, Westmoreland County. The Mannik & Smith Group, 23225 Mercantile, Beachwood, Ohio 44122 on behalf of LRC AZ Greensburg Investors, LLC, 1585 Frederick Boulevard, Akron, Ohio 44320 submitted a final report concerning remediation of site soil and groundwater contaminated with petroleum compounds from its former use as a gasoline service station and garage. The Final Report demonstrated attainment of a non-residential Statewide Health Standard and was approved by the Department on June 6, 2013.

## HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**Permit ID No. PAD987270725. Siemens Industry, Inc.**, Darlington Facility, 118 Park Road, PA 16115. Operation of a hazardous waste storage and treatment and residual waste processing facility in Darlington Township, **Beaver County** for storage and thermal treatment of spent carbon, sorbents and catalysts. Permit renewal issued in the Regional Office on May 15, 2013.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**PAD086673407. Safety-Kleen Systems Inc.**, 1606 Pittsburgh Avenue, Erie, PA 16505, Millcreek Township, **Erie County**. Safety-Kleen Systems Inc. in Erie is seeking to renew their current Hazardous Waste TSD permit for storage. The existing permit expires August 28, 2013. The draft renewal permit was issued on June 7, 2013.

Persons interested in commenting on the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**GP9-15-0018: Limestone Properties, LLC** (61 Baltimore Pike, Avondale, PA 19311) on June 5, 2013, authorized to operate a diesel fuel-fired internal combustion engine(s) in Avondale Borough, **Chester County**.

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

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

**GP3-58-006: Pennsy Supply** (300 Armstrong Road, Pittston, PA 18640) on June 03, 2013, to install and operate a portable stone crushing plant at their facility in Auburn Township, **Susquehanna County**.

**GP9-58-006: Pennsy Supply** (300 Armstrong Road, Pittston, PA 18640) on June 03, 2013, to install and

operate three (3) diesel fired I.C Engines at their facility in Auburn Township, **Susquehanna County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP3-06-03069G: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on June 4, 2013, for portable nonmetallic mineral processing equipment under GP3 at the Temple Quarry in Alsace Township, **Berks County**.

**GP9-06-03069G: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on June 4, 2013, for one diesel fuel-fired internal combustion engine under GP9 to power portable nonmetallic mineral processing equipment at the Temple Quarry in Alsace Township, **Berks County**.

**GP14-67-03150: Wetzell Funeral Home & Crematory, Inc.** (549 Carlisle Street, Hanover, PA 17331-2162) on June 4, 2013, for the human crematory, under GP14, at the 549 Carlisle Street in Hanover Borough, **York County**. The general permit authorization was renewed.

**GP3-21-03104: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on June 6, 2013, for a portable nonmetallic mineral processing plant under GP3 at the Admiral's Quay in Hampden Township, **Cumberland County**.

**GP11-21-03104: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on June 6, 2013, for three nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Admiral's Quay in Hampden Township, **Cumberland County**.

**GP3-21-03105: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on June 6, 2013, for a portable nonmetallic mineral processing plant under GP3 at the Carlisle Barracks Heritage Heights in Carlisle Borough, **Cumberland County**.

**GP11-21-03105: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on June 6, 2013, for three nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Carlisle Barracks Heritage Heights in Carlisle Borough, **Cumberland County**.

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

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

**GP5-08-04F: PVR NEPA Gas Gathering, LLC.** (101 West Third Street, Williamsport, PA 17701) on June 7, 2013, to convert the four 1340 bhp engines to low-NO<sub>x</sub> lean burn engines by installing ULB retrofit kits, to construct and operate a 105 MMscf/day dehy with a 2.0 MMBtu/hr reboiler controlled by a Superior EVAC enclosed ground flare, to construct and operate two new produced water tanks, and to install a Superior EVAC enclosed ground flare on the existing 60 MMscf/day dehy unit under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Bradford West Compressor Station in West Burlington Township, **Bradford County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP9-63-00977: Pennsylvania American Water Co.** (800 W. Hershey Park Drive Hershey, PA 15210) on June 5, 2013, to install and operate one Cummins, diesel-fired engines, rated at 3,280 bhp, at their Shire Oaks Pumping Station in Union Township, **Washington County, PA**.

**GP4-26-00600: Rice Electric Co.** (30 Linnwood Road P. O. Box 429, Eighty Four, PA 15330) on June 6, 2013, for continued operation of a burn off oven in South Strabane Township, **Washington County**.

**GP5-30-00163C: CNX Gas Co., LLC** (1000 CONSOL Energy Drive, Canonsburg, PA 15317) on June 7, 2013, for continued operation of the previously installed 15 MMscfd dehydrator and 10 MMscfd membrane plant at Greene Hill Processing Plant in Center Township, **Greene County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-33-179C: Snyder Brothers, Inc.—Himes Compressor Station** (926 Swamp Run Road, Brookville, PA 15825) on May 29, 2013, to operate a 276 bhp compressor engine (Caterpillar G3406NA, Serial No. 4FD03263), a 0.2 MMBtu/hr TEG Dehydrator, and engine catalyst and two (2) process storage tanks (BAQ-GPA/GP-5) in Knox Township, **Jefferson County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**39-00098A: Ocean Spray Cranberries, Inc.** (151 Boulder Drive, Breiningsville, PA 18031-1850) on June 6, 2013, to construct a juice processing operation at the facility in Upper Macungie Township, **Lehigh County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-05084A: York Wallcoverings, Inc.** (2075 Loucks Road, York, PA 17408) on June 5, 2013, to construct a new four-color rotogravure printing line with in-line embossing at their facility in West Manchester Township, **York County**.

**22-03051A: Buse Funeral Home** (9066 Jonestown Road, Grantville, PA 17028) on June 6, 2013, to operate a human crematory in East Hanover Township, **Dauphin County**.



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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**26-00588A: Laurel Mountain Midstream, LLC** (Park Place 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on June 10, 2013, to construct and begin temporary operation of one Solar Titan 130 natural gas-fired turbine rated at 19,553 HP, one Caterpillar G3516B natural gas-fired emergency generator rated at 1,818 bhp and controlled by an oxidation catalyst, one dehydrator (including reboiler) rated for 200 mmscf/day of natural gas, and one produced water tank with a capacity of 476 bbl at their Shamrock Compressor Station in German Township, **Fayette County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**33-085B: Symmco, Inc.** (101 South Park Street, PO Box F, Sykesville, PA 15865) on June 5, 2013, to install a 24" iron sintering furnace and associated control device(s) at their facility in Sykesville Borough, **Jefferson County**.

**37-327A: R. Cunningham Funeral Home, Inc.** (2429 Wilmington Road, New Castle, PA 15195) on May 23, 2013, to issue a plan approval for authorization to continue operation of two (2) existing crematories (one human and one animal) at their existing facility in the City of New Castle, **Lawrence County**.

**43-364A: Combined Systems, Inc.** (388 Kinsman Road, Jamestown, PA 16134) on May 23, 2013, to operate an existing mixing operation, granulation and sieving operation and pelletizing operation in Greene Township, **Mercer County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**15-0061B: Phoenixville Hospital Co., LLC.** (140 Nutt Road, Phoenixville, PA 19460) on June 5, 2013, to operate a catalytic converter in Phoenixville Township, **Chester County**.

**46-0032G: SPS Technologies, Inc.** (301 Highland Avenue, PA 19046) on June 2, 2013, to operate a vapor degreaser in Abington Township, **Montgomery County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**31-05012A: PA Department of Corrections** (1120 Pike Street, Huntingdon, PA 16652-1117) on June 7, 2013, to increase the coal usage restriction on three (3) existing coal fired boilers, to install a baghouse on the boilers and to install two 29.5 MMBtu/hr oil-fired backup boilers at

their Smithfield State Correctional Institution in Smithfield Township, **Huntingdon County**. The plan approval was extended.

**01-05022B: Knouse Foods Cooperative, Inc.** (1505 Orrtanna Road, Orrtanna, PA 17353) on June 7, 2013, for installation and temporary operation of a Solar Saturn 10-1300 Series Turbine, Version 1301 and a Deltak waste heat boiler, at the apple processing facility in Hamiltonban Township, **Adams 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*

**59-00025A: EQT Gathering, LLC** (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on June 4, 2013, to construct and operate three (3) natural gas-fired reciprocating internal combustion engines, one (1) emergency generator, one (1) tri-ethylene glycol dehydrator and the ancillary equipment (storage tanks, flanges, valves, etc.) needed for the proposed Tioga Compressor Station to be in Duncan Township, **Tioga County**. The plan approval has been extended.

**47-00014B: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on June 4, 2013, for authorization to continue operation of the wallboard manufacturing plant in Derry Township, **Montour County** pursuant to the terms and conditions of the plan approval an additional 180 days in order to continue the compliance evaluation for the air contaminant sources. The plan approval has been extended.

**41-00086A: LBV Professional Services, LLC** (350 Spruce Street, Montoursville, PA 17754) on June 3, 2013, to extend the authorization to operate a human crematorium in Montoursville Borough, **Lycoming County** on a temporary basis to November 30, 2013. The plan approval has been extended.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00194A: EQT Gathering, LLC** (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) on June 10, 2013, for a Plan Approval extension effective July 14, 2013, with expiration date of January 14, 2014, to authorize continued temporary operation of air contamination sources and controls at the Callisto Compressor Station in Morris Township, **Greene County**. The plan approval has been extended.

**30-00195: Equitrans, LP** (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) on June 10, 2013, for a Plan Approval extension effective June 28, 2013, with an expiration date of December 28, 2013, to authorize continued temporary operation of air contamination sources and controls at their Jefferson Compressor Station in Jefferson Township, **Greene County**. The plan approval has been extended.

**63-00955B: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) on June 10, 2013, for a plan approval for a minor modification effective June 5, 2013, to correct an omission in the condition language and also minor typographical errors in the previous authorization for Buffalo Compressor Station, Buffalo Township, **Washington County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code**


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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507*

**54-00074: UGI Development Co.** (1 Meridian Boulevard, Wyomissing, PA 19610-3225) on June 11, 2013, for production of electricity from landfill gas in Foster Township, **Schuylkill County**. This is an initial Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The sources at the facility are two (2) Solar Taurus simple cycle turbines fueled by landfill gas. The Title V Operating Permit include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**AR-06-05024: GenOn REMA, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on June 5, 2013, for operation of Titus electric generating station in Cumru Township, **Berks County**. The facility is subject to Title IV (Acid Rain). This action is a renewal of the facility's Acid Rain Permit.

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

*Contact: Thomas Huynh, Chief—Telephone: 215-685-9476*

**V10-015: Sun Chemical** (3301 Hunting Park Avenue, Philadelphia, PA 19132) on June 20, 2013, for operation of a printing ink manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include Blending and Dispersion process with twenty-five (25) mixers, five (5) bench-top mixers, two (2) tanks, five (5) horizontal mill mixers, two (2) horizontal mills, one (1) ball mill, four (4) kady mills, two (2) BEP paste ink mills, one (1) BEP paste inl mixer, one (1) paste ink tub washer, and one transfer operation; one (1) 2.5 MMBTU/hr natural gas-fired boiler; one (1) 1.49 MMBTU/hr natural gas-fired air handling unit; and one (1) 1.44 MMBTU/hr natural gas-fired air handling unit. The facility's air emission control devices include three (3) dust collectors.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**


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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03134: Wilmac Health Care, Inc.** (2829 Lititz Pike, Lancaster, PA 17601-3321) on June 4, 2013, for the

Lancashire Hall nursing home boiler in Manheim Township, **Lancaster County**. The State-only permit was renewed.

**36-05157: Ivy Creek Custom Cabinetry, Inc.** (99 Elmwood Avenue, Landisville, PA 17538-1305) on June 4, 2013, for their custom wood kitchen cabinet manufacturing facility in East Hempfield Township, **Lancaster County**.

06 SC OP Non-Title V Issued.

**31-03008: Bradford Forest, Inc.** (22510 Croghan Pike, US Route 522, Shade Gap, PA 17255) on June 4, 2013, for the hardwood lumber manufacturing facility in Dublin Township, **Huntingdon County**. The State-only permit was renewed.

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

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

**41-00070: PMF Industries, Inc.** (2601 Reach Road, Williamsport, Pa 17701) on June 4, 2013, for their facility in Williamsport, **Lycoming County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00710: Cronimet Corp.** (421 Railroad Street, E. Rochester, PA 15074) on June 5, 2013, a State Only Operating Permit (SOOP) to Cronimet Corp. to authorize the continued operation of their Scrap Metal Processing Plant located in East Rochester Boro, **Beaver County**.

**11-00523: Jigging Technologies, LLC** (1008 Club Drive, Johnstown, PA 15905) on June 5, 2013, a State Only Operating Permit (SOOP) to Jigging Technologies to authorize the continued operation of their Riders Slag Processing Plant located in East Taylor Township, **Cambria County**.

**26-000534: Fayette Thermal, LLC**, (755 Opossum Lake Road, Carlisle, PA, 17013) On June 6, 2013, the Department issued the State Only Operating Permit for the Operation of the Fayette Thermal Steam Plant, located in Luzerne Township, **Fayette County**.

The facility contains air contamination sources consisting of two (2) circulating fluidized bed (CFB) biomass, coal, and waste coal-fired boilers with maximum fuel heat inputs of 20.7 MMBtu/hour, each. Particulate emissions from the CFBs are controlled by pulsejet cleaned fabric filters. SO<sub>2</sub> emissions are controlled by limestone injected into the fluid bed. NO<sub>x</sub> emissions are controlled by low combustion temperatures in the fluidized bed. Flue gas recirculation further reduces NO<sub>x</sub> by reducing the O<sub>2</sub> concentration in the bed. Natural gas is used to start the CFB boilers. In addition, the steam plant has three 9.9 MMBtu/hr, natural gas-fired boilers which generally operate as backups to the CFB units. The plant also contains three silos with fabric filter bin vents to store sand and limestone for the CFB boilers, as well as the generated ash. Finally, the plant has material handling equipment to load the silos, a coal storage pile, and feed coal and coal refuse to the CFBs.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitor-

ing, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, and PA Code Title 25, Article III, Chapters 121 through 145.

**26-00585: Universal Well Services—Connellsville Camp Facility** (730 Braddock View Dr., P. O. Box 130, Mount Braddock, PA 15465-0130) for the operation of a sand, cement, fly ash, and HCl storage and loading facility for the oil and gas industry located in North Union Township, **Fayette County**. In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility. The permit includes monitoring, recordkeeping, reporting, testing, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**24-00022: SMC Global Holdings, Inc.—St. Marys Carbon Company** (259 Eberl Street, St. Mary's, PA 15857) on June 4, 2013, the Department re-issued the Natural Minor Operating Permit for this facility located in the City of St. Marys, **Elk County**. The facility's primary sources of emissions are the carbon baking kilns and associated equipment. The airborne emissions from this facility remain below major source levels.

**43-00349: Valley Can, Inc.** (1264 Fredonia Road, Hadley, PA 16130-2612), on June 4, 2013, for renewal of the Natural Minor Operating Permit. The facility is located in the Perry Township, **Mercer County**. The facility is manufacturing refuse containers. The facility's emitting sources include: 1) Existing paint spray booth and, 2) Welding & Plasma cutting operation. The potential emission from the facility is VOC: 6 tons per year and, PM-10: 2 TPY. The welding operation of the facility is not subject to 40 CFR Part 63, Subpart XXXXXX because, due to the facility's NAICS Number: 332322. The surface coating operation is not subject to HHHHHH because the coating paint contained no target HAP. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is considered a natural minor.

**NM-24-00022: SMC Global Holdings, Inc.—St. Marys Carbon Co.** (259 Eberl Street, St. Marys, PA

15857) on June 4, 2013, to re-issue the Natural Minor Operating Permit for this facility in the City of St. Marys, **Elk County**. The facility's primary sources of emissions are the carbon baking kilns and associated equipment. The airborne emissions from this facility remain below major source levels.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-05118: RR Donnelley Financial, Inc.** (391 Steel Way, PO Box 3780, Lancaster, PA 17601-3153) on June 3, 2013, for their printing facility in Lancaster City, **Lancaster County**. The state-only permit underwent a minor modification to do the following: 1.) remove catalytic oxidizer C101, 2.) re-route ductwork for heatset presses 660 and 663 to RTO C102A, and 3.) heatset presses will be allowed to operate in either heatset or non-heatset mode.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**42-00004: American Refining Group—Bradford** (77 North Kendall Avenue, Bradford, PA 16701) for its facility located in Bradford City, **McKean County**. The De minimis emission increase is for construction an 80 bhp (60 kW) diesel emergency generator based on 500 hours per year operation. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on October 5, 2011.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
3/7/12	Tanks 99 and 262				0.0005	
6-7-13	80 bhp emergency generator	0.0055	0.00014	0.11	0.005	0.015
Total Reported Increases		0.0055	0.00014	0.11	0.0055	0.015
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**62-00017: United Refining Company** (15 Bradley Street, Warren, PA 16365) for a source at their refinery in the City of Warren, **Warren County**. The De minimis emission increase is for the temporary authorization of the new Boiler 5B which is contained in a plan approval application currently under review. The emission rates listed below are based on 38 days of use. This exemption does not cover use beyond 38 days of operation.

The Department has determined that this project meets the eligibility requirements of 25 Pa. Code § 127.14(a)(8)(36)

[Source(s) qualifying under § 127.449 as de minimis emission increases]. This exemption is subject to the following conditions:

1) This exemption does not cover operation of the source for more than 38 days of use. United shall not operate Boiler 5B, by means of this exemption, for more than 38 total days of use. United shall maintain a record of Boiler 5B's use in a log sufficient to demonstrate compliance with this condition. These records shall be readily available to the Department upon request.

2) Emissions of air contaminants from the source into the atmosphere shall not exceed the following:

- a) The NO<sub>x</sub> emissions shall not exceed 0.036 lbs./MmBtu
- b) The CO emissions shall not exceed 0.0375 lbs./MmBtu
- c) The VOC emissions shall not exceed 0.004 lbs./MmBtu
- d) The TSP emissions shall not exceed 0.005 lbs./MmBtu

The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This is the second De minimis emission increase which has occurred since their current State Only Operating Permit (62-00017) was issued on December 14th, 2012.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
5/24/2013	Alky Feed Project	0.07	0.01	0.79	0.05	0.81
6/6/2013	Boiler 5B Temporary Authorization	0.14	0.08	0.98	0.11	1.04
Total Reported Increases		0.21	0.09	1.77	0.16	1.85
Allowable		0.6 tons/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## 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 Actions

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

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** to add NPDES Outfall 031 for the 1L Bleeder Shaft site. The point source discharge will not degrade the existing water quality of Jacobs Run. Receiving stream: Jacobs Run, classified for the following use: HQ-WWF. The application was considered administratively complete on November 21, 2011. Application received November 5, 2010. Permit issued June 5, 2013.

**56831602 and NPDES No. PA0214469. Reitz Coal Company, LLC**, (509 15th Street, Windber, PA 15963). To renew the permit for the Reitz No. 4 Plant in Shade Township and Central City Borough, **Somerset County** and related NPDES permit for reclamation/water treatment. No additional discharges. The application was considered administratively complete on November 7, 2012. Application received June 1, 2012. Permit issued June 5, 2013.

**63831302. Eighty Four Mining Company**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Mine No. 84 in Amwell Township, **Washington County** for a land use change on 11.8 surface acres at the SW Mains #3 Airshaft Site from pastureland to industrial/commercial. No additional discharges. The application was considered administratively complete on March 15, 2012. Application received July 12, 2011. Permit issued June 5, 2013.

**32061303. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Heilwood Mine in Pine, Green, and Cherryhill Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 2529.6, Subsidence Control Plan Acres Proposed 2529.6. No additional discharges. The application was considered administratively complete on August 1, 2012. Application received June 11, 2012. Permit issued June 7, 2013.

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

**Permit No. 11773037 and NPDES No. PA0069159. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, and permit renewal for reclamation only of a surface and auger mine in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving streams: unnamed tributaries to and Little Conemaugh classified for the following use: cold water fishery. There

are no potable water supply intakes within 10 miles downstream. Application received January 31, 2012. Permit Issued May 29, 2013.

**Permit No. 56070109 and NPDES No. PA0262480. Marquise Mining Corporation**, P. O. Box 338, Blairsville, PA 15717, renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 238.1 acres. Receiving streams: Dixie Run and Fallen Timber Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 11, 2012. Permit issued June 4, 2013.

**Permit No. 56823008 and NPDES No. PA0608637. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 176.0 acres. Receiving streams: unnamed tributaries to Buffalo Creek and to Tubs Run classified for the following uses: cold water fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 2, 2013. Permit issued May 28, 2013.

**Permit No. 56010104 and NPDES No. PA0249041. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Jenner and Lincoln Townships, **Somerset County**, affecting 135.8 acres. Receiving stream: unnamed tributaries to/and Quemahoning Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority Quemahoning SWI. Application received May 16, 2012. Permit Issued June 3, 2013.

*Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26910108 and NPDES Permit No. PA0592366. Dunkard Disposal Corp.** (P. O. Box 229, Mt. Braddock, PA 15465). Permit revision for land use change from forestland to a post-mining land use of unmanaged natural habitat issued to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 76.4 acres. Receiving streams: unnamed tributary to N. Branch of Browns Run. Application received: January 27, 2012. Permit issued: June 6, 2013.

**26910108 and NPDES Permit No. PA0592366. Dunkard Disposal Corp.** (P. O. Box 229, Mt. Braddock, PA 15465). Renewal permit for reclamation only issued to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 76.4 acres. Receiving streams: unnamed tributary to N. Branch of Browns Run. Application received: October 17, 2012. Permit issued: June 6, 2013.

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

**17100102 and NPDES No. PA0257273. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866) Revision to an existing bituminous surface mine for an incidental boundary correction located in Cooper Township, **Clearfield County** affecting 61.0 acres. Receiving streams: Unnamed Tributary to Sulphur Run and Sulphur Run classified for the following use: Cold Water

Fishes and Moshannon Creek classified for the following use: Trout Stocked Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 1, 2013. Permit issued: May 30, 2013.

**17120103 and NPDES No. PA0257923. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine located in Bradford Township, **Clearfield County** affecting 199.9 acres. Receiving streams: Unnamed Tributaries to Valley Fork Run, Valley Fork Run, Unnamed Tributary to Roaring Run, and Roaring Run classified for the following uses: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2012. Permit issued: June 3, 2013.

#### *Noncoal Permits Actions*

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

**Permit No. 29940301 and NPDES Permit No. PA0607908, Lafarge Mid-Atlantic LLC**, 300 E. Joppa Road, Suite 200, Towson, MD 21286, renewal of NPDES Permit, Bethel and Thompson townships, **Fulton county**. Receiving streams: Little Tonoloway Creek classified for the following use: Trout Stocked Fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received May 17, 2013.

*Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03030401 and NPDES Permit No. PA0250333. Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701). Renewal permit issued for continued operation and reclamation of a large noncoal surface mine, located in Burrell and South Bend Townships, **Armstrong County**, affecting 24.8 acres. Receiving streams: Crooked Creek. Application received: October 9, 2012. Permit issued: June 4, 2013.

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

**33132801. J. M. DeLullo Stone Sales, Inc.** (1247 Million Dollar Highway, Kersey, PA 15846) Commencement, operation and restoration of a small industrial minerals mine in Washington & Sandy Townships, **Jefferson & Clearfield Counties** affecting 7.0 acres. Receiving streams: Wolf Run. Application received: February 13, 2013. Permit Issued: June 4, 2013.

**33132801-GP-104. J. M. DeLullo Stone Sales, Inc.** (1247 Million Dollar Highway, Kersey, PA 15846) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 33132801 in Washington & Sandy Townships, **Jefferson & Clearfield Counties**. Application received: February 13, 2013. Permit Issued: June 4, 2013.

**20090801. Shain Bowers** (14872 Mackey Hill Road, Waterford, PA 16441). Final bond release for a small industrial minerals surface mine in Rockdale Township, **Crawford County**. Restoration of 2.0 acres completed. Receiving streams: Unnamed tributary to Kelly Run. Application Received: May 3, 2013. Final bond release approved: June 7, 2013.

**20061003. R. Hunter Incorporated** (29780 Hickory Corners Road, Guys Mills, PA 16327). Final bond release for a small industrial minerals surface mine in Randolph Township, **Crawford County**. Restoration of 5.0 acres completed. Receiving streams: Unnamed tributary to Woodcock Creek. Application Received: May 9, 2013. Final bond release approved: June 7, 2013.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**02134002. Geokinetics, Inc.** (P. O. Box 487, Washington, PA 15301). Blasting activity permit for the Bunola 3D to conduct seismic activity, located in Jefferson Hills, Elizabeth, and West Elizabeth Boroughs; Finleyville, Union, New Eagle, Monongahela, Carroll, Donora, Forward, Elizabeth, Pleasant Hills, and South Park Townships, **Allegheny & Washington Counties**. The duration of blasting is expected to last for one year. Blasting permit issued: May 28, 2013.

**02134003. New Dominion Construction** (1554 Millers Run Road, McDonald, PA 15057). Blasting activity permit for the construction at the Imperial Landfill, located in Findlay Township, **Allegheny County**. The duration of blasting is expected to last one year. Blasting permit issued: June 6, 2013.

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

**59134003. SA Exploration** (300 Gateway Dr., Room 147, Mansfield, PA 16933). Blasting for seismic exploration located in Blossburg Borough, **Tioga County** with an expiration date of August 18, 2013. Permit issued June 5, 2013.

**08134118. Meshoppen Blasting Inc.** (Frantz Rd, P. O. Box 127, Meshoppen, PA 18630). Blasting for well pad and access road located in Herrick Township, **Bradford County** with an expiration date of September 15, 2013. Permit issued June 7, 2013.

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

**09134103. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Coventry Meadows in Hilltown Township, **Bucks County** with an expiration date of June 1, 2014. Permit issued: June 3, 2013.

**58134129. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Adams Gas Pad in Harford Township, **Susquehanna County** with an expiration date of May 23, 2014. Permit issued: June 3, 2013.

**58134130. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Huston Gas Pad & Tank Farm in Harford Township, **Susquehanna County** with an expiration date of May 27, 2014. Permit issued: June 3, 2013.

**36134124. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Penns Crossing in Manheim Township, **Lancaster County** with an expiration date of May 31, 2014. Permit issued: June 4, 2013.

**38134118. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bachman Run in South Annville Township, **Lebanon County** with an expiration date of May 31, 2014. Permit issued: June 4, 2013.

**36134125. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Anglesea Development in West Earl Township, **Lancaster County** with an expiration date of June 3, 2014. Permit issued: June 6, 2013.

**58134131. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Lucy Pipeline in Auburn and Springfield Townships, **Susquehanna County** with an expiration date of June 3, 2014. Permit issued: June 6, 2013.

**58134005. Brainard Explosives LLC**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for R U 14 in Jackson Township, **Susquehanna County** with an expiration date of August 31, 2014. Permit issued: June 6, 2013.

**46134109. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Schuylkill River Crossing in Conshohocken Borough and Plymouth Township, **Montgomery County** with an expiration date of May 31, 2014. Permit issued: June 10, 2013.

**66134116. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Visneski Gas Pad in Mehoopany Township, **Wyoming County** with an expiration date of June 5, 2014. Permit issued: June 10, 2013.

#### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

##### *Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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

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

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

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0236110 (Mining Permit No. 56111303), LCT Energy, LP**, (941 Pine Grove Lane, Suite B. Johnstown, PA 15905). A new NPDES and mining activity permit for the Maples Springs Mine in Conemaugh Township, **Somerset County** for a new underground coal mine. Surface Acres Affected 51.4, Underground Acres Affected 3781.8. Receiving stream: Quemahoning Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on February 13, 2012. Application received September 15, 2011.

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

*Outfall 001* discharges to: Unnamed Tributary Quemahoning Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 12' 12.2" Long: 78° 57' 31.1") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.88	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mos/kg)		50	100	125
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

*Outfall 002* discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 12' 04.5" Long: 78° 57' 41.7") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.28	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

*Outfall 003* discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 12' 06.5" Long: 78° 57' 40.9") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.25	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

**NPDES No. PA0213535 (Mining Permit No. 30841316), Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). A revision to the NPDES and mining activity permit for the Bailey Mine & Prep Plant in Morris Township, **Greene County** to install the 7 North 2 Airshaft site and NPDES Outfall 033. Surface Acres Affected 11.9. Receiving stream: Browns Creek, classified for the following use: HQ-WWF. Monongahela River. The application was considered administratively complete on November 20, 2012. Application received April 12, 2012.

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

*Outfall 033* discharges to: Browns Creek

The proposed effluent limits for *Outfall 003* (Lat: 39° 57' 13.8" Long: 80° 18' 22.7") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.071	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35	70	90



<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT

**NPDES No. PA0111643 (Mining Permit No. 63841304), Laurel Run Mining Company**, (1000 Consol Energy Drive, Canonsburg, PA 15317). A renewal to the NPDES and mining activity permit for the Vesta Mine in North Bethlehem, East Bethlehem, and West Bethlehem Townships and Centerville and Deemston Boroughs, **Washington County**. Surface Acres Affected 22.8. Receiving stream: Fishpot Run, classified for the following use: WWF. Monongahela River. The application was considered administratively complete on May 20, 2012. Application received May 9, 2012.

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

*Outfall 007* discharges to: Fishpot Run

The proposed effluent limits for *Outfall 007* (Lat: 40° 00' 57" Long: 79° 59' 41") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	12.84	-
Iron	(mg/l)		1.2	2.5	3.1
Manganese	(mg/l)		0.37	0.74	0.93
Aluminum	(mg/l)		0.5	1.0	1.5
Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		43	43	43
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

**NPDES No. PA0588491 (Mining Permit No. 56841612), Wilson Creek Energy, LLC**, (609 Georgian Place, Somerset, PA 15501). A renewal to the NPDES and mining activity permit for the Wilson Creek Preparation Plant in Black Township, **Somerset County**. Surface Acres Affected 23.9. Receiving stream: Coxes Creek, classified for the following use: WWF. Coxes Creek Watershed TMDL. The application was considered administratively complete on October 18, 2011. Application received June 23, 2011.

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

*Outfall SW-3* discharges to: Coxes Creek

The proposed effluent limits for *Outfall SW-3* (Lat: 39° 55' 51" Long: 79° 08' 55") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.045	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	2.5
Aluminum	(mg/l)		0.75	1.5	1.9
Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall SW-11* discharges to: Coxes Creek

The proposed effluent limits for *Outfall SW-11* (Lat: 39° 55' 58" Long: 79° 08' 52") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.045	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	2.5
Aluminum	(mg/l)		0.75	1.5	1.9
Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

**NPDES No. PA0588491 (Mining Permit No. 56841612), Wilson Creek Energy, LLC**, (609 Georgian Place, Somerset, PA 15501). A revision to the NPDES and mining activity permit for the Wilson Creek Preparation Plant in Black Township, **Somerset County** to revise the water handling plan and relocate outfalls SW-3 and SW-11 as a result of the 26.7 acre expansion. Surface Acres Affected 50.6. Receiving stream: Coxes Creek, classified for the following use: WWF. Coxes Creek Watershed TMDL. The application was considered administratively complete on January 16, 2013. Application received June 28, 2012.

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

*Outfall SW-3* discharges to: Coxes Creek

The proposed effluent limits for *Outfall SW-3* (Lat: 39° 55' 48" Long: 79° 08' 48") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.045	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	100	125
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

*Outfall SW-11* discharges to: Coxes Creek

The proposed effluent limits for *Outfall SW-11* (Lat: 39° 55' 59" Long: 79° 08' 41") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.045	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	100	125
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

**NPDES No. PA0235709 (Mining Permit No. 56061301), RoxCOAL, Inc.**, (PO Box 149, Friedens, PA 15541). A revision to the NPDES and mining activity permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add a new NPDES discharge point for run-off from surface support facilities added to the permit area. Surface Acres Affected 40.0. Receiving stream: Unnamed Tributary to Kimberly Run, classified for the following use: CWF. Coxes Creek Watershed TMDL. The application was considered administratively complete on May 25, 2012. Application received October 14, 2011.

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

*Outfall -004* discharges to: Unnamed tributary to Kimberly Run

The proposed effluent limits for *Outfall 001* (Lat: 39° 59' 51" Long: 79° 59' 48") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.04	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.2	2.4	3.0
Suspended Solids (mg/l)		35	70	90
Settleable Solids (ml/l)		0.2	0.4	0.5

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

**NPDES No. PA0269204 (Mining permit no. 11130103), Laurel Sand & Stone, Inc.**, 210 East Main Street, P. O. Box 556, Ligonier, PA 15658, new NPDES permit for a bituminous surface mine in Jackson Township, **Cambria County**, affecting 140.5 acres. Receiving streams: unnamed tributaries to/and South Branch Blacklick Creek, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: May 20, 2013.

All treatment and stormwater facilities will be addressed through non-discharge alternatives. There will be no point source discharges for this mining permit.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 PA Code Chapter 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 PA Code Chapter 87.102(a) Group A, whichever is least stringent.

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

**NPDES No. PA0258652 (Permit No. 16080108). Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an NPDES permit for a bituminous surface mine in Perry Township, **Clarion County**, affecting 222.2 acres. Receiving streams: Unnamed tributary to the Clarion River and unnamed tributary to the Allegheny River, classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: May 15, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to the Allegheny River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	N
TP2	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.1	4.2	4.9
Manganese (mg/l)		1.4	2.8	3.5
Aluminum (mg/l)		1.0	2.0	2.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to unnamed tributary to the Allegheny River:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				4.9
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP3	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.4	4.8	5.5
Manganese (mg/l)		1.7	3.4	4.3
Aluminum (mg/l)		1.2	2.4	3.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH1 (S.U.)	6.0			9.0
Iron (mg/l)				5.5
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.*

**E13-175. Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. Franklin Township, Carbon County, Army Corps of Engineers Philadelphia District.**

To remove the existing structure (NB-531) and to construct and maintain an approximately 94-foot wide three-span prestressed concrete bridge across Pohopoco Creek (CWF, MF), each having a span of approximately 126 feet and an underclearance of approximately 25 feet. The project is located on the Pennsylvania Turnpike approximately 0.3 mile from the interchange with State Route 209 (Lehigh, PA Quadrangle Latitude: 40° 50' 21"; Longitude: -75° 40' 02") in Franklin Township, Carbon County. Subbasin: 2B.

**E48-422. Palmerview Acquisition Limited Partnership, 770 Township Line Road, Suite 150, Yardley, PA 19067. Palmer Township, Northampton County, Army Corps of Engineers Philadelphia District.**

To authorize the following water obstruction and encroachments associated with Madison at Palmerview Residential Development Project:

1. To construct and maintain an 80-foot wide road crossing of a UNT to Shoeneck Creek (CWF, MF) consisting of twin arch culverts, each having a span of 45 feet and an approximate underclearance of 10.5 feet.

2. To remove portions of the existing sanitary sewer line and to construct and maintain approximately 185 feet of concrete encased 18-inch diameter ductile iron sanitary sewer line; 60 feet of 18-inch diameter PVC sanitary sewer line; and 25 feet of 8-inch diameter PVC sanitary sewer line in the floodway of and across a UNT to Shoeneck Creek.

3. To construct and maintain approximately 100 feet of a 12-inch diameter ductile iron water main in the floodway of and across a UNT to Shoeneck Creek.

4. To construct and maintain approximately 100 feet of gas main in the floodway of and across a UNT to Shoeneck Creek.

5. To construct and maintain drip irrigation fields in the floodway of a UNT to Shoeneck Creek and the floodway of Shoeneck Creek.

The project is located on the east side of SR 248 approximately 0.50 mile south of its intersection with SR 0033 (Nazareth, PA Quadrangle; Latitude: 40° 43' 9"; Longitude: -75° 16' 27"). Subbasin: 2C.

**E40-720. PPL Bell Bend, LLC, 38 Bombay Lane, Suite 2, Berwick, PA 18603. Salem Township, Luzerne County, Army Corps of Engineers Philadelphia District.**

To authorize the following water obstructions and encroachments associated with the Bell Bend Nuclear Power Plant Project:

1. (Impact A) To remove the existing bridge and to construct and maintain a 60-foot wide, 5-span concrete vehicular bridge across the relocated Walker Run (CWF) and created riparian wetlands. The bridge has a 400-foot

span and an approximate 11-foot underclearance. (Latitude: 41°05'10"; Longitude: -76°10'03")

2. (Impact B) To remove the existing vehicular bridge and to construct and maintain a 60-foot wide, 3-span concrete bridge across a UNT to Walker Run (CWF) and adjacent wetlands (EV). The bridge has a 408-foot span and an approximate 45-foot underclearance. (Latitude: 41°05'08"; Longitude: -76°09'46")

3. (Impact C) To construct and maintain a 10-foot wide, 4-span pre-fabricated metal truss utility bridge across a UNT to Walker Run (CWF) and adjacent wetlands (EV). The bridge has a 340-foot span and an approximate 20-foot underclearance and carries an 8-inch diameter DIP water line, a 10-inch diameter DIP sewer line, a 12-inch diameter cement lined DIP water line (fire) and four 6-inch diameter steel electrical conduits. (Latitude: 41°05'11"; Longitude: -76°09'40")

4. (Impact D) To construct and maintain a combined 87-foot wide, 4-span concrete vehicular bridge and adjacent utility bridge across a UNT to Walker Run (CWF) and adjacent wetlands (EV). The bridges have a 410-foot span and an underclearance of 23 feet and 15 feet, respectively. (Latitude: 41°05'09"; Longitude: -76°09'27")

5. (Impact E) To construct and maintain a 28-foot wide, 6-span concrete railroad bridge across a UNT to Walker Run (CWF) and adjacent wetlands (EV). The bridge has a 535-foot span and an approximate 11-foot underclearance. (Latitude: 41°05'09"; Longitude: -76°09'25")

6. (Impact F) To construct and maintain a 60-foot wide, 5-span concrete bridge across approximately 390 feet of wetlands. The bridge has a 508-foot span and an approximate 10-foot underclearance. (Latitude: 41°04'55"; Longitude: -76°09'21")

7. (Impact G) To construct and maintain a stream enclosure of a UNT to Lake Took-a-While (CWF) consisting of a 125-foot long, 48-inch diameter reinforced concrete pipe with concrete endwalls for the purpose of constructing a railroad crossing. The invert will be depressed 6-inches below streambed elevation. (Latitude: 41°05'15"; Longitude: -76°08'37")

8. (Impact H) To remove the existing stream enclosure and to construct and maintain a stream enclosure of a UNT to Walker Run (CWF) consisting of a 428-foot long, 36-inch diameter reinforced concrete pipe with the invert depressed 12-inches below streambed elevation. (Latitude: 41°05'15"; Longitude: -76°09'41")

9. (Impact I) To fill 0.12 acre of wetlands for the purpose of constructing the proposed power block. (Latitude: 41°05'23"; Longitude: -76°10'05")

10. (Impact J) To fill 0.06 acre of wetlands for the purpose of constructing the switchyard expansion. (Latitude: 41°05'18"; Longitude: -76°08'55")

11. (Impact K) To fill 0.98 acre of wetlands and 617 feet of a tributary to the Susquehanna River known as the North Branch Canal Outfall Channel for the purpose of constructing the intake structure and associated parking and access road. (Latitude: 41°05'13"; Longitude: -76°07'58")

12. (Impact M) To construct and maintain a water intake and blowdown pipeline crossing of a tributary to the Susquehanna River known as the North Branch Canal Outfall Channel and approximately 950 feet of wetlands. (Latitude: 41°05'18"; Longitude: -76°08'00")

13. (Impact N) To construct and maintain an intake structure in and adjacent to the west bank of the Susquehanna River (WWF, MF). To excavate and maintain a 120-foot by 220-foot area along the west bank of the Susquehanna River to an approximate depth of 1-foot below the riverbed for the purpose of constructing the intake structure. (Latitude: 41°05'14"; Longitude: -76°07'52")

14. (Impact O) To construct and maintain a 24-inch diameter blowdown diffuser pipe anchored to a 116.5-foot long by 7-foot wide concrete pad set on the river bed covered with riprap. The pipe extends approximately 325 feet into the Susquehanna River (WWF, MF) from the shoreline. (Latitude: 41°05'06"; Longitude: -76°07'51")

15. (Impact P, Q & R) To construct and maintain various aerial transmission line crossings of wetlands throughout the project area. (Impact P—Latitude: 41°05'21"; Longitude: -76°09'42"; Impact Q—Latitude: 41°05'21"; Longitude: -76°09'21"; Impact R—Latitude: 41°05'03"; Longitude: -76°08'59")

16. (Impact U) To construct and maintain various stormwater outfalls to the Walker Run, Susquehanna River and tributaries thereto.

17. (Impact V) To relocate approximately 2,799 feet of Walker Run with the construction and maintenance of approximately 4,159 feet of new stream channel using natural stream design techniques.

The project includes 2.90 acres of permanent wetland impacts and 997 feet (0.21 acre) of permanent stream impacts. The project also includes 1.77 acres of temporary wetland impacts and 5,079 feet of temporary stream impacts. The permittee is required to provide 1.72 acres of replacement wetlands.

The project is located approximately 4.5 miles northeast of the intersection of U.S. Route 11 and U.S. Route 93, directly south of Beach Grove Road and to the west and to the south of the existing PPL Nuclear Power Plant Facility. The project is bisected by Confers Lane (Berwick, PA Quadrangle Latitude: 41° 5' 17.57"; Longitude: -76° 9' 42.08") in Salem Township, Luzerne County. Subbasin: 5D.

**E45-578. Fred & Deborah McQuiston**, 696 Sunnyside Avenue, Audubon, PA 19403. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-foot by 12-foot floating wooden dock in Arrowhead Lake (EV) with a 4-foot wide by 27-foot long wooden gangway spanning approximately 15 feet of wetlands (EV). The project is located along Lake Shore Drive near its intersection with Chippewa Drive on Lots 55 & 56, Block 25A, Section 7 of the Arrowhead Lakes Development (Thornhurst, PA Quadrangle Latitude: 41° 09' 03.8"; Longitude: -75° 33' 32.2") in Tobyhanna Township, Monroe County. Subbasin: 2A.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E65-952. Mr. Brent Sigut**, 1850 Riverside Mews, Pittsburgh, PA 15203-1777, Borough of Murrysville, **Westmoreland County**; ACOE Pittsburgh District

Applicant has been given consent to construct and maintain a bridge having a clear span of 20 feet and an underclearance of 4.5 feet across Haymakers Run (HQ, CWF) and to place and maintain fill in 0.05 acre of

emergent/forested wetlands for a proposed driveway access to a single family home. To compensate for the wetland impacts the applicant will construct 0.068 acre of emergent/forested replacement wetlands. The project is located along Sardis Road in the Borough of Murrysville, Westmoreland County (Murrysville, PA Quadrangle, N: 12.8 inches; W: 7.25; Latitude: 40° 26' 44"; Longitude: 79° 48' 38").

**E63-645. Benjamin Marcus Homes, LLC**, 124 Windermere Court, McMurray, PA 15317, Peters Township, **Washington County**; ACOE Pittsburgh District

Applicant has been given consent to

1. Construct, operate, and maintain approximately 140 LF of fill in a UNT to Peters Creek (WC-2) (TSF) to construct lots 508 and 509.

2. Construct, operate, and maintain a 150 LF 48 inch culvert conveying a UNT to Peters Creek (WC-1) (TSF) under Buckingham Drive.

3. Construct and maintain a 50 LF wide riprap outlet protection on the left bank of a UNT to Peters Creek (TSF) at the outlet of the Detention/Infiltration Basin 1.

4. Construct and maintain a 25 LF wide riprap outlet protection on the left side of Wetland 3 at the outlet of the Detention/Infiltration Basin 2.

5. Construct, operate, and maintain a 242 LF 48 inch culvert conveying a UNT to Peters Creek (WC-3) (TSF) and placement of fill within approximately 8,276 square feet of Wetland 3 to construct Camden Drive.

6. Reconstruct, operate, and maintain approximately 790 LF of stream mitigation enhancement activities (in-stream habitat structures and riparian plantings) in a UNT to Peters Creek (WC-1) (TSF).

7. Construct, operate, and maintain an approximate 8,600 square foot wetland replacement mitigation area adjacent to a UNT to Peters Creek (WC-1) north of the culvert under Buckingham Drive.

This project is associated with the construction/development of the Hamlet of Springdale Plan No. 3 thru 5 located near the intersection of Waterdam Road and Bower Hill Road (Bridgeville, PA Quadrangle; N: 0.25 inch, W: 9.5 inches; Latitude: 40° 15' 17"; Longitude: 80° 04' 01") Peters Township, Washington County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E16-143, Mr. Carl David Hill**, 5796 Buck Trail, Clinton, OH 44216 in Millcreek Township, **Clarion County**, ACOE Pittsburgh District

to construct and maintain a 36-foot long clear span bridge having a width of 14 feet and an under clearance of 12 feet across Hindman Run as a replacement for an existing 4-foot diameter culvert approximately 1.0 mile upstream of Blyson Run (EV), a tributary to the Clarion River (Strattanville, PA Quadrangle N: 41°, 16', 7.96"; W: -79°, 16', 37.81").

**E37-191, Mitcheltree Brothers, Inc.**, 8485 Mercer Street, P. O. Box 332, Pulaski, PA 16143 in Pulaski Township, **Lawrence County**, ACOE Pittsburgh District

to operate and maintain the following structures constructed as part of a water filling station west of S.R. 551

(Mercer Street), approximately 0.5 mile north of S.R. 208 (Edinburg, PA Quadrangle N: 41°, 07', 07"; W: -80°, 25', 44"):

1. A 24-foot wide access road within the right assumed 50-foot floodway of Buchanan Run for a distance of approximately 700 feet, extending west from Mercer Street.

2. A water intake structure along the left (east) bank of the Shenango River, consisting of twin 12-inch diameter intake pipes spaced approximately 9 feet apart and extending approximately 13 feet into the Shenango River; with floatation buoys and a pump house structure near the top of bank.

3. A water pipeline from the intake to the filling station across a tributary to Buchanan Run.

#### ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WL6113601. South Sandy Creek Watershed Association, Inc.**, 27572 Deckards Road, Cochranon, PA 16314. Gadsby Mine Site Reclamation Project in Irwin Township, **Venango County**, ACOE Pittsburgh District (Polk, PA Quadrangle N: 41°, 15', 23.1"; W: 79°, 57', 55.8").

The applicant proposes to re-grade, neutralize and vegetate acidic mine spoil, backfill an exposed abandoned coal mine high wall area, and construct an underdrain system within a stream channel that was previously constructed to carry the flow of water from the high wall pit. The project will permanently impact 150 linear feet of a tributary to Williams Run. Mitigation for the stream impact will be achieved through water quality improvements to the Williams Run watershed.

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D02-108EA. Township of Pine**, 230 Pearce Mill Road, Wexford, PA 15090, Pine Township, **Allegheny County**, USACOE Pittsburgh District.

Project proposes to perform maintenance dredging and modify the Shalom Farm Pond Dam impacting a deminimus area of wetland (PEM) equal to 0.02 acre. The dam is located across a tributary to North Fork Pine Creek (CWF) (Mars, PA Quadrangle; Latitude: 40.6598, Longitude: -80.0384).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the

appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

*Warren County Conservation District, 300 Hospital Drive, Suite D, Warren PA 16365*

<i>ESCGP -1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
6213802	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville PA 15107	Warren	Pleasant Township & Mead Township	Ott Run CWF; Morrison Run EV; Unt Allegheny River WWF; Unt Ott Run CWF; Allegheny River Watershed

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0026—Ballie Trust Pipeline  
Applicant MarkWest Liberty Bluestone, LLC  
Contact Rick Lowry  
Address 601 Technology Drive, Suite 300  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Jackson(s)  
Receiving Stream(s) and Classification(s) Likens Run  
WWF & UNT's to Likens Run, Breakneck Creek WWF / Slippery Rock Creek Watershed, Breakneck Creek WWF

ESCGP-1 #ESG13-083-0006—West Branch Pad N  
Applicant Seneca Resources Corporation  
Contact Michael Clinger  
Address 51 Zents Boulevard  
City Brookville State PA Zip Code 15825  
County McKean Township(s) Sergeant(s)  
Receiving Stream(s) and Classification(s) Unnamed tributaries to South Fork West Branch Potato Creek (HQ-CWF), Potato Creek—TSF

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

2/22/13  
ESCGP-2 No: ESX13-125-0022  
Applicant Name: M3 Appalachia Gathering LLC  
Contact Person Mr James C Roberts  
Address: 742 Fairmont Avenue Suite E  
City: Westover State: WV Zip Code: 26501  
County: Washington Township: West Pike Run  
Receiving Stream (s) And Classifications: Little Pike Run and UNT to Little Pike Run; Other TSF

2/28/13  
ESCGP-2 No.: ESX10-059-0007 Major Revision  
Applicant Name: Vista Gathering LLC  
Contact Person: Mr Nick Mongelluzzo  
Address: 226 Elm Drive Suite 102  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Franklin  
Receiving Stream(s) and Classifications: UNTs to South Fork Tenmile Creek & Coal Lick Run; Other

2/26/13  
ESCGP-2 No.: ESX13-125-0023  
Applicant Name: CNX Gas Company LLC  
Contact Person: Sarah Baughman

Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
County: Washington Township(s): South Franklin  
Receiving Stream(s) and Classifications: UNT to Tenmile Creek & Tenmile Creek / Tenmile Creek; Other TSF; Siltation-Impaired

3/12/13  
ESCGP-2 No.: ESX13-003-0002  
Applicant Name: EQT Gathering LLC  
Contact Person: Ms Megan D Stahl  
Address: 625 Liberty Avenue Suite 1700  
City: Pittsburgh State: PA Zip Code: 15222  
County: Allegheny Township(s): Forward  
Receiving Stream(s) and Classifications: Kelly Run (WWF) & Perry Mill Run (WWF)/Lower Monongahela; Other WWF

3/6/13  
ESGP-2 No.: ESG13-125-0026  
Applicant Name: MarkWest Liberty Midstream & Resources LLC  
Contact Person: Mr Rick Lowry  
Address: 601 Technology Drive Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
COUNTY Washington Township(s): Hopewell  
Receiving Stream(s) and Classifications: UNTs to Brush Run; HQ

4/17/13  
ESCGP-2 No.: ESX13-005-0011  
Applicant Name: EQT Production  
Contact Person: Mr Todd Klaner  
Address: 455 Racetrack Road Suite 101  
City: Washington State: PA Zip Code: 15301  
County: Armstrong Township(s): Plumcreek  
Receiving Stream(s) and Classifications: UNT to Crooked Creek; Other WWF

3/28/13  
ESGP-2 No.: ESX13-125-0029  
Applicant Name: CNX Gas Company LLC  
Contact Person: Ms. Sarah Baughman  
Address: 100 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
COUNTY Washington Township(s): East Finley and South Franklin  
Receiving Stream(s) and Classifications: UNT to Tenmile Creek / Tenmile Creek (TSF); UNT to Templeton Fork / Wheeling Creek (TSF);  
Secondary Water Monongahela River and Enlow Fork

4/4/2013  
 ESGP-2 No.: ESX13-059-0017  
 Applicant Name: EQT Production Company  
 Contact Person: Mr. Todd Klaner  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 COUNTY Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: UNTS TO  
 CRAYNES RUN—WWF; CRAYNES RUN—WWF;  
 CRAIG RUN—WWF; TEN MILE CREEK  
 WATERSHED.

3/25/13  
 ESGP-2 No.: ESX12-125-0073 Major Modification  
 Applicant Name: Range Resources—Appalachia LLC  
 Contact Person: Mr. Glenn D. Truzzi  
 Address: 3000 Town Center Blvd  
 City: Canonsburg State: PA Zip Code: 15317  
 COUNTY Township(s):  
 Receiving Stream(s) and Classifications: UNT TO  
 SUGARCAMP RUN, BRASHEARS RUN, INDIAN  
 CAMP RUN/WHEELING-BUFFALO CREEKS  
 WATERSHED (HIGH QUALITY)

**OIL AND GAS MANAGEMENT**

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St. Meadville, PA 16335*

Well Permit #: 053-30369-00-00  
 Well Farm Name Warrant 3672 8  
 Applicant Name: Tachoir Resources, Inc.  
 Contact Person: Steven E. Tachoir  
 Address: 203 Center Street, Sheffield, PA 16347  
 County: Forrest

Municipality Jenks Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Lynch, Straight Run is a tributary to Spring Creek.

Well Permit #: 053-30370-00-00  
 Well Farm Name Warrant 3672 9  
 Applicant Name: Tachoir Resources, Inc.  
 Contact Person: Steven E. Tachoir  
 Address: 203 Center Street, Sheffield, PA 16347  
 County: Forest

Municipality Jenks Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Lynch, Straight Run is a tributary to Spring Creek.

Well Permit #: 053-30374-00-00  
 Well Farm Name Warrant 3672 13  
 Applicant Name: Tachoir Resources, Inc.  
 Contact Person: Steven E. Tachoir  
 Address: 203 Center Street, Sheffield, PA 16347  
 County: Forest

Municipality Jenks Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Lynch, Straight Run is a tributary to Spring Creek.

**STORAGE TANKS**

**SITE-SPECTIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
13-63-007	American Iron Oxide Company 661 Andersen Drive, Foster Plaza #7 Pittsburgh, PA 15220 Attn: Franz Mullings	Washington	Allenport Borough	1 AST storing hydrochloric acid and ferrous chloride	36,500 gallons

[Pa.B. Doc. No. 13-1119. Filed for public inspection June 21, 2013, 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>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### Final Technical Guidance—New Guidance

**DEP ID:** 563-2112-115. **Title:** Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. **Description:** This guidance describes the procedures for establishing effluent limitations and permit conditions for NPDES permits for mine sites. It provides direction for consistency with the regulatory requirements and focuses on the factors to consider for mine sites including acid mine drainage, stormwater related to the mining activity and site specific reasonable potential analysis for mines. The guidance is the product of industry outreach, interaction with the United States Environmental Protection Agency (EPA) and internal review. It was made necessary as a result of enhanced oversight by EPA, which identified elements of the NPDES permitting process which were poorly documented. During the public comment period, we received 24 comments from three commentators—no significant policy issues were raised.

Comments were submitted by three commentators. A comment and response document has been prepared and is posted in the eLibrary.

**Contact:** Questions regarding this action should be directed to Bill Allen at (717) 783-9580 or [wallen@pa.gov](mailto:wallen@pa.gov).

**Effective Date:** June 22, 2013

#### Draft Technical Guidance Document—Substantive Revision

**DEP ID:** 012-0900-003. **Title:** Policy on Public Participation in the Permit Review Process. **Description:** Public participation is an integral part of environmental decision making, and it is the policy of the Department that applications for approval should provide for effective involvement of the public. It is the intent of the Department to respond appropriately and in a timely manner to all relevant comments received during the permit application review process, particularly when there is a formal public comment process. This policy establishes a frame-

work for public participation in the permit application review process by providing consistent guidelines for how the Department encourages public participation in the review of a permit application and how it reviews and responds to comments received during the public participation process.

**Written Comments:** Interested persons may submit written comments on this draft technical guidance document by July 22, 2013. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail must include the originator's name and address. Written comments should be submitted to Robert Altenburg, Department of Environmental Protection Policy Office, 400 Market Street, 16th Floor, Harrisburg, PA 17105, (717) 783-8727, [RA-EPTG\\_Comments@pa.gov](mailto:RA-EPTG_Comments@pa.gov).

**Contact:** Questions regarding this action should be directed to Robert Altenburg at (717) 783-8727 or [RA-EPTG\\_Comments@pa.gov](mailto:RA-EPTG_Comments@pa.gov).

**Effective Date:** Upon publication as final in the *Pennsylvania Bulletin*.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1120. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Climate Change Advisory Committee Meeting Cancellation

The Climate Change Advisory Committee meeting scheduled for Tuesday, July 2, 2013, has been cancelled. The Department of Environmental Protection (Department) will reschedule this meeting at a future time.

Questions concerning schedules or agenda items can be directed to Dean Van Orden at (717) 783-9264 or [dvanorden@pa.gov](mailto:dvanorden@pa.gov). Schedules, agendas and notices of meeting changes will be available through the Public Participation Center on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1121. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Request for Applications for Watershed Protection and Restoration Grants and Surface Mining Conservation and Reclamation Act Grants through the Growing Greener Plus Program

As part of the 2013 Department of Environmental Protection's (Department) Growing Greener Plus Program (Growing Greener) applications are now being accepted for watershed protection and restoration grants. Under 27 Pa.C.S. §§ 6101—6119 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible applications including: counties, authorities and other municipalities; county conservation districts; watershed organizations recognized by the Department who promote local watershed conservation efforts, council of govern-

ments and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth.

For the upcoming grant round, the Department will invest in projects that will ultimately protect or restore, or both, this Commonwealth's watersheds from impairment due to nonpoint source pollution. Examples of special priority areas include: projects located in "priority" watersheds that reduce the source of impairment; "priority" type activities that lead to water quality restoration or protection; and projects that support the installation of agricultural Best Management Practices to achieve compliance with existing agricultural water quality requirements.

Examples of eligible projects include those that will reduce nonpoint source pollution in watersheds where streams are impaired, projects that will help reduce Total Maximum Daily Load pollutants and integrating stormwater management into watershed management and water conservation strategies.

Through the same application process, applicants can also apply for funding through the Department's Surface Mining Conservation and Reclamation Act (SMCRA) Grant Programs and Section 319 Nonpoint Source Grant Program. SMCRA grants are available to various entities including municipalities, municipal authorities and non-profit organizations for projects meeting SMCRA Set Aside or Bond Forfeiture grant requirements. Section 319 grants focus on funding similar projects to Growing Greener but with special emphasis within targeted watersheds.

The deadline for submitting applications to the Department's Growing Greener Grants Center (Center) is August 16, 2013. Applications must be postmarked no later than August 16, 2013. If hand delivered, the package must be received by the Center by 4 p.m. on August 16, 2013, at the address that follows. Late submissions will not be considered.

To request or download an application or obtain more information concerning Growing Greener, visit the Growing Greener web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Growing Greener). Persons can send e-mails to [GrowingGreener@state.pa.us](mailto:GrowingGreener@state.pa.us) or contact the Center at (717) 705-5400. Written requests should be addressed to the DEP Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1122. Filed for public inspection June 21, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Albert Einstein Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards

contained in this publication: 2.2-3.10.6.12 (relating to environmental services room).

This 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](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1123. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Altoona Regional Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Altoona Regional Health System has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.6.13 (relating to examination/treatment room).

This 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](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1124. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Children's Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.6-2.2.2.1(1), 2.6-2.2.2.5(1), 2.6-2.2.2.6(2) and (4), 2.6-2.2.6.12(2)(a) and (b), 2.6-2.3.1.1(1) and 2.6-2.3.2.1(1).

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1125. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Geisinger Community Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Community Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.4.2.2, 2.2-2.2.4.2 and 2.2-3.1.4.4(2) (relating to airborne infection isolation room; and ED secure holding room)

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1126. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Geisinger-Shamokin Area Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger-Shamokin Area Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.6.6.1, 2.1-2.6.6.2, 3.7-3.6.6, 3.7-3.6.6.1, 3.7-3.6.6.2 and 3.7-3.6.6.3.

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1127. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Pinnacle Health Pain Management Center West for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Pain Management Center West has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.3(5), 553.31, 555.1—555.3, 557.3, 557.4, 567.2 and 567.3.

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1128. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Planned Parenthood of Central PA—York Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Central PA—York Health Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-7.2.2.1, 3.7-3.3.6.2 and 3.8-3.6.6 (relating to corridor width; medical gas requirements; and drug distribution station).

This facility is also requesting exception to 28 Pa. Code §§ 29.33(13), 551.22(2), 555.33(d)(6), 559.1 and 559.3.

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1129. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Planned Parenthood of Northeast and Mid-Penn—Allentown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Northeast and Mid-Penn—Allentown has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.3.6.2, 3.8-3.6.6 and 3.8-3.7 (relating to medical gas requirements; drug distribution station; and staff clothing change area).

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1130. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Planned Parenthood of Northeast, Mid-Penn and Bucks County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Northeast, Mid-Penn and Bucks County has requested an exception to the requirements of 28 Pa. Code §§ 29.33(13), 551.22(2), 555.33(d)(6), 559.1 and 559.3(b).

These 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1131. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of Reading Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.6.5 (relating to scrub station).

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1132. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.7.2.2(3)(a) (relating to hand washing stations).

This 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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1133. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exception), the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from January 2013, through May 2013. Future publications of decisions on exception requests will appear on a quarterly basis.

All requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities

shall be addressed to Charles Shaffer, Assistant Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120.

### Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Elk Regional Health Center	28 Pa. Code § 51.6	identification of personnel	04/20/2013	granted
The Chester County Hospital	28 Pa. Code § 51.6	identification of personnel	04/20/2013	granted
Geisinger Children's Hospital	28 Pa. Code § 51.34	revocation of exception	05/19/2012	granted
Geisinger Medical Center	28 Pa. Code § 51.34	revocation of exceptions	04/20/2013	granted
Healthsouth Rehab Hospital of Erie	28 Pa. Code § 101.31(7)	hospital requirements	03/16/2013	withdrawn
Muncy Valley Hospital	28 Pa. Code § 101.31(7)	hospital requirements	05/18/2013	granted
Riddle Memorial Hospital	28 Pa. Code § 103.4(3)	functions—governance and management	04/20/2013	withdrawn
Allegheny General Hosp.	28 Pa. Code § 103.31	chief executive officer	12/22/2012	granted
Canonsburg General Hospital	28 Pa. Code § 103.31	chief executive officer	12/22/2012	granted
St. Clair Hospital	28 Pa. Code § 105.11(b)	access	08/11/2012	not necessary
Healthsouth Rehab Hospital of Erie	28 Pa. Code § 105.11(b)	access	03/16/2013	withdrawn
Schuylkill M. C. E. Norwegian St.	28 Pa. Code § 107.32	meetings and attendance	02/16/2013	granted
Schuylkill Medical Center South Jackson St.	28 Pa. Code § 107.32	meetings and attendance	02/16/2013	granted
Highlands Hospital	28 Pa. Code § 107.62	oral orders	02/16/2013	granted
Children's Home of Pittsburgh	28 Pa. Code § 111.3(b)	dietitian		granted
Lehigh Valley Hospital	28 Pa. Code § 119.11	principle, facilities for outpatient	02/16/2013	granted
Lower Bucks Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthesia explosion hazards	02/16/2013	granted
Healthsouth Rehab Hospital of Erie	28 Pa. Code § 127.31(b)	policies and procedures radiology	03/20/2013	withdrawn
Healthsouth Rehab Hospital of Erie	28 Pa. Code § 127.32	written orders radiology	03/16/2013	withdrawn
St. Joseph Medical Center	28 Pa. Code § 127.32	written orders radiology	12/22/2012	granted
Excelsa Health Frick Hospital	28 Pa. Code § 127.32	written orders radiology	03/16/2013	granted
Excelsa Health Latrobe Hospital	28 Pa. Code § 127.32	written orders radiology	03/16/2013	granted
Titusville Area Hospital	28 Pa. Code § 127.32	written orders	01/19/2013	granted
St. Christopher's Hospital for Children	28 Pa. Code § 139.33(d)	bacteriologic examination	02/16/2013	granted
Pinnacle Health Hospitals	28 Pa. Code § 143.5	medical supervision of podiatric pts	03/16/2013	granted
Crozer Chester—Taylor Hospital	28 Pa. Code § 153.1	2.2-2.6.9.1(1)(a) door openings	11/17/2012	granted
Frick Hospital	28 Pa. Code § 153.1	2.2-2.2.2.5(b) hand washing station	09/15/2012	granted
Fulton County Medical Center	28 Pa. Code § 153.1	2.2-3.1.3.3(3) triage area	10/20/2012	not necessary
Geisinger M.C.—Danville	28 Pa. Code § 153.1	2.2-3.5.7.1 staff clothing change area 2.2-3.5.6.2 patient prep, holding and recovery area	12/22/2012	granted granted
Geisinger Wyoming Valley M.C.	28 Pa. Code § 153.1	2.2-3.6.34 patient holding and recovery	12/22/2012	granted
Highlands Hospital	28 Pa. Code § 153.1	2.5-2.2.2.4 patient privacy 2.1.2.2.4 patient privacy	12/22/2012 12/22/2012	granted granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Magee Women's Hosp. of UPMC	28 Pa. Code § 153.1	2.2-2.12.6.5(1) environmental services room	12/22/2012	denied
		2.2-2.12.6.4 soiled workroom/holding	12/22/2012	granted
Milton S. Hershey M.C.	28 Pa. Code § 153.1	A2.1-5.3 surgery	03/10/2012	denied
Pinnacle Health—Harrisburg Hosp.	28 Pa. Code § 153.1	2.2-3.3.3.3(2) in new construction	12/22/2012	not necessary
		2.2-2.6.2.3(1) windows	12/22/2012	not necessary
		2.2-2.6.2.4(3) patient privacy	12/22/2012	not necessary
Pottstown Memorial M.C.	28 Pa. Code § 153.1	2.2-3.5.6.2 patient preparation	10/20/2012	denied
UPMC Bedford Memorial	28 Pa. Code § 153.1	3.1-3.2.2(2) clearances	12/22/2012	granted
		3.6-3.6.10.1 flushing rim clinical sink	12/22/2012	granted
		3.1-3.2.2.2(1) area	12/22/2012	granted
		3.6-3.2.5.2 hand washing station	12/22/2012	granted
UPMC Bedford Memorial	28 Pa. Code § 153.1	3.1-7.2.2.1(1) corridor width	12/22/2012	granted
Warren General Hospital	28 Pa. Code § 153.1	2.1-3.2.2.3(2) hand washing stations	12/22/2012	granted for 18 mo.
Wilkes-Barre General Hospital	28 Pa. Code § 153.1	2.2-3.1.3(6) trauma room	08/11/2012	granted
Williamsport Regional Med. Ctr.	28 Pa. Code § 153.1	2.2-2.13.6.2(1) multi-purpose or individual room	12/22/2012	granted
		2.2-2.6.2.2(1) area	12/22/2012	granted
		2.2-2.6.2.2(2) clearances	12/22/2012	granted
		2.2-2.13.4.2 airborne infection isolation room	12/22/2012	granted
		2.2-2.13.5 support areas for patient care—general	12/22/2012	granted
		2.2-2.13.6 support areas for pediatric and adolescent units	12/22/2012	granted
		2.2-2.6.2.6(1) and (2) toilet or soiled utility room	03/16/2013	granted
Bryn Mawr Hospital	28 Pa. Code § 153.1	2.1-8.5.3.2 TDR room	05/18/2013	granted
Cancer Treatment Ctrs. of America	28 Pa. Code § 153.1	2.1-7.2.2.2 ceiling height	01/19/2013	granted
		2.3-3.3.2.1(3) X-ray viewers	01/19/2013	granted
		2.1-2.2.5 hand washing station	02/16/2013	not necessary
Divine Providence Hospital	28 Pa. Code § 153.1	2.2-3.10.2.8 nurse station	04/20/2013	granted
Dubois Regional Medical Center	28 Pa. Code § 153.1	3.1-7.2.2.1 corridor width	02/16/2013	granted
		3.1-7.2.2.3 doors and hardware	02/16/2013	granted
Forbes Regional Hospital	28 Pa. Code § 153.1	2.2-3.1.3.6(6)(b)(v) counter space for writing or electronic documentation	01/19/2013	granted
Geisinger Medical Center	28 Pa. Code § 153.1	2.1-2.6.6.1 medication prep room	04/20/2013	not necessary
Grove City Medical Center	28 Pa. Code § 153.1	3.12-3.8.5 toilet room	04/20/2013	denied
Holy Spirit Hospital	28 Pa. Code § 153.1	2.1-2.4.3.1(2) seclusion treatment room	04/20/2013	granted
Jameson Memorial Hospital	28 Pa. Code § 153.1	2.2-3.1.3.6(5)(a) treatment room	05/25/2013	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Lehigh Valley Hosp.—Chew St.	28 Pa. Code § 153.1	3.1-3.2.2.2(2) clearances	02/16/2013	not necessary
Magee-Womens Hosp. of UPMC	28 Pa. Code § 153.1	2.2-2.12.6.5 environmental services room	02/16/2013	granted
		2.2-3.1.3.6(9) decontamination room	01/19/2013	granted
Main Line Hospital Bryn Mawr	28 Pa. Code § 153.1	2.1-8.5.3.2 size of technology distribution room	01/19/2013	granted
Millcreek Community Hospital	28 Pa. Code § 153.1	2.6-2.2.2.1 capacity	04/20/2013	granted
		2.6-2.2.2.5 hand-washing station		
		2.6-2.2.2.8 patient storage		
		2.6-2.2.6.12 exam/treatment room		
		2.6-2.2.6.5 hand-washing stations		not necessary
Pinnacle Hlth—Cumberland Camp.	28 Pa. Code § 153.1	2.1-8.5.3.2 size of technology distribution rooms	01/19/2013	granted
		2.2-3.1.3.6 exam/treatment room work counter and cabinets	01/19/2013	granted
		2.2-3.9.7.1 renal dialysis staff clothing change areas and staff shower	01/19/2013	denied
Pinnacle Health Harrisburg Hosp.	28 Pa. Code § 153.1	2.2-2.6.2.2 space requirements	03/30/2013	granted
		2.2-2.6.6.11(2)(b) equipment storage space		
Reading Hospital	28 Pa. Code § 153.1	2.2-3.4.5.3 ultrasound bathroom	04/20/2013	granted
Regional Rehab Center at Phoenixville Hospital	28 Pa. Code § 153.1	2.6.2.3.3 personal services	05/18/2013	granted
Riddle Hospital	28 Pa. Code § 153.1	2.1-8.5.3.2 size of technology distribution room	01/19/2013	granted
Riddle Memorial Hospital	28 Pa. Code § 153.1	2.1-8.5.3.3(2) access to technology distribution room	01/19/2013	granted
St. Mary Medical Center	28 Pa. Code § 153.1	2.1-6 table station outlets	02/16/2013	denied
		2.2-2.10.6.12 environmental services room reconsideration	02/16/2013	denied
		2.2-2.10.8.2 parent/infant room	02/16/2013	denied
		2.2-2.10.8.2 parent /infant room request for reconsideration	04/20/2013	granted
Temple University Hospital Episcopal Campus	28 Pa. Code § 153.1	2.2-3.1.6.9 and 2.2-3.1.6.10 clean and soiled workroom areas in diagnostic and treatment locations for emergency services	01/19/2013	granted
Uniontown Hospital	28 Pa. Code § 153.1	2.2-3.1.4.4(2) secure holding room	04/20/2013	granted
UPMC East	28 Pa. Code § 153.1	3.1-7.2.2.3(1)(b) doors and hardware	03/16/2013	granted
UPMC Passavant	28 Pa. Code § 153.1	3.1-3.2.2.2(1) and (2) area and clearances	05/18/2013	granted



<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
UPMC Passavant	28 Pa. Code § 153.1	3.1-3.2.2.3 hand-washing station	05/18/2013	granted
UPMC Passavant	28 Pa. Code § 153.1	3.1-3.6.5.1 location	05/18/2013	granted
UPMC Passavant	28 Pa. Code § 153.1	3.1-7.2.2.1 corridor width	05/18/2013	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	2.1-2.6.10(1)(2) flushing rim clinical service sinks and work counter	02/16/2013	denied
		2.1-2.6.10.1(1) a flushing rim clinical sink		denied
		3.1-3.2.2.2(2) clearances	03/16/2013	granted
		3.1-7.2.2.1(1) corridor width	03/16/2013	granted
The Washington Hospital	28 Pa. Code § 153.1	2.2-2.16.2.1 bed capacity	02/16/2013	granted
The Western Pennsylvania Hosp.	28 Pa. Code § 153.1	2.2-2.5.6.1(2) there shall be direct or remote visual observation	03/16/2013	granted
Westmoreland Hospital	28 Pa. Code § 153.1	2.2-3.3.3.4(1)(b) phase II recovery area	05/18/2013	granted
Williamsport Hospital	28 Pa. Code § 153.1	2.2-2.6.8.1(1) and (2) visitor waiting room requirements for public toilets	05/18/2013	not necessary/ granted
<b>Abortion Facilities</b>				
Planned Parenthood NE Mid-Penn Allentown	28 Pa. Code § 551.22(3)(i)	anesthesia services	05/19/2012	not necessary
Allegheny Women's Center	28 Pa. Code § 551.22(3)(i)	anesthesia services	05/26/2012	denied
Allegheny Women's Center	28 Pa. Code § 551.22(3)(ii)	board certification	05/26/2012	denied
Allegheny Women's Center	28 Pa. Code § 551.22(4)	medical professional, PALS	05/26/2012	denied
Allentown Women's Center	28 Pa. Code § 551.22(2)	criteria for performance of	05/12/2012	granted
Planned Parenthood SEPA Far Northeast Health Center	28 Pa. Code § 555.2	medical staff membership	03/10/2012	denied
Berger and Benjamin	28 Pa. Code § 555.33(d)(6)	intraoperative phys. monitoring	03/10/2012	denied
Planned Parenthood of Central PA York Health Center	28 Pa. Code § 555.33(d)(6)	intraoperative phys. monitoring	03/10/2012	denied
Berger and Benjamin	28 Pa. Code § 571.1	3.8-7.2.3.4(2) ceiling finishes	10/06/2012	granted
		3.8-7.2.2.2 minimum clear width door openings	10/06/2012	granted
		3.7.3.3.6.1 mechanical system req.	06/16/2012	granted
Philadelphia Women's Center	28 Pa. Code § 571.1	3.8-3.6.5.1 hands-free scrub stations	05/12/2012	granted
		3.8-7.2.3.2(2) flooring	05/12/2012	not necessary
		3.8-7.2.3.3 walls, wall bases and wall protection	05/12/2012	not necessary
		3.8-7.2.3.4 ceilings	05/12/2012	granted
Reproductive Health and Counseling Center	28 Pa. Code § 571.1	3.8-7.2.3.4(2) ceiling finishes	10/06/2012	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Planned Parenthood Assoc. of Bucks Co. Warminster	28 Pa. Code § 571.1	3.7-3.3.6.1 special design requirement HVAC system	05/19/2012	not necessary
		3.8-3.6.5 scrub facilities	05/19/2012	not necessary
		3.8-7.2.3.2(2) flooring	05/19/2012	not necessary
		3.8-7.2.3.4 (2) ceiling finishes in operating rooms	05/19/2012	not necessary
Planned Parenthood NE Mid-Penn Allentown	28 Pa. Code § 571.1	3.7-3.3.4 emergency communication system	05/19/2012	not necessary
		3.7-3.3.5 medical image viewer	05/19/2012	not necessary
		3.7-3.3.6.1 special design req.	05/19/2012	not necessary
		3.8-3.6.5 scrub facilities	05/19/2012	not necessary
		3.8-7.2.3.2(2) flooring		not necessary
Planned Parenthood NE Mid-Penn Reading	28 Pa. Code § 571.1	3.8-7.2.3.4(2) ceiling finishes in operating rooms	05/19/2012	not necessary
		3.7-3.3.4 emergency communication system	05/19/2012	not necessary
		3.7-3.3.5 medical image viewer	05/19/2012	not necessary
		3.7-3.3.6.1 special design requirement	05/19/2012	not necessary
		3.8-3.6.5 scrub facilities	05/19/2012	not necessary
Planned Parenthood of SE PA West Chester Health Center	28 Pa. Code § 571.1	3.8-7.2.3.2(2) flooring	05/19/2012	not necessary
		3.8-7.2.3.4(2) ceiling finishes in operating rooms	05/19/2012	not necessary
		3.7-3.3.6.1 special design requirement	05/19/2012	not necessary
		3.8-3.6.5 scrub facilities	05/19/2012	not necessary
		3.8-7.2.3.2(2) flooring	05/19/2012	not necessary
Planned Parenthood of Western PA	28 Pa. Code § 571.1	3.8-7.2.3.4(2) ceiling finishes in operating rooms	05/19/2012	not necessary
		571.1(b) and (c) submission of plans	05/19/2012	not necessary
		3.7-3.3.4 emergency communication system	05/12/2012	granted
		3.7-3.3.6.1 special design requirements	05/12/2012	granted
		3.8-3.6.5 scrub facilities		granted
PP SE PA Far NE Health Center	28 Pa. Code § 571.1	3.8-7.2.3.4(2) ceiling finishes in operating rooms	05/19/2012	granted
		3.7-3.3.4 emergency communication system	05/19/2012	not necessary
		3.7-3.3.5 medical image viewer	05/19/2012	granted
		3.7-3.3.6.1 HVAC system	05/19/2012	granted
		3.8-3.6.5 scrub facilities	05/19/2012	granted

## NOTICES

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<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
PP SE PA Norristown	28 Pa. Code § 571.1	3.7-3.3.4 emergency communication system 3.7-3.3.5 medical image viewer 3.7-3.3.6.1 special design requirements 3.8-3.6.5 scrub facilities  3.8-7.2.3.2(2) flooring  3.8-7.2.3.4(2) ceiling finishes in operating rooms § 571.1(b) and (c) submission of plans	05/19/2012	not necessary not necessary not necessary not necessary not necessary not necessary denied
PP SE Pa. Surg. Locust St. Health Center	28 Pa. Code § 571.1	3.7-3.3.4 emergency communication system 3.7-3.3.5 medical image viewer 3.7-3.3.6.1 special design requirement 3.8-3.6.5 scrub facilities 3.8-7.2.3.4(2) ceiling finishes in operating rooms	05/19/2012	not necessary granted granted granted granted
Planned Parenthood SE PA	28 Pa. Code § 571.1	minimum standards	03/10/2012	denied
Norristown Health Center	28 Pa. Code § 571.1	3.7-3.3.4 emergency communication system 3.7-3.3.6.1 special design req. HVAC 3.8-3.6.5 scrub facilities	05/12/2012 05/12/2012 05/12/2012	not necessary not necessary not necessary
PP York Health Ctr.		3.8-7.2.3.2(2) flooring, vinyl composition tile 3.8-7.2.3.4(2) ceiling finishes in operating rooms	05/12/2012 05/12/2012	not necessary not necessary
PP Association of Bucks County Warminster Health Center	28 Pa. Code § 571.1	3.7-3.3.3.1 space requirements 3.7-3.3.3.2 clearances 3.7-7.2.3.4 ceilings 3.8-7.2.3.4(2) ceiling finishes in operating rooms	03/16/2013	granted
PP NE Mid-Penn—Allentown	28 Pa. Code § 571.1	3.7-3.3.3.1 space requirements 3.7-3.3.3.2 clearances 3.7-3.3.4 emergency comm. system 3.7-3.3.5 image viewer 3.7-7.2.3.4 ceilings 3.8-3.6.5 scrub facilities 3.8-7.2.3.4(2) ceiling finishes in operating rooms	03/16/2013	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
PP Central PA York HC	28 Pa. Code § 571.1	3.7-3.3.3.1 space requirements 3.7-3.3.3.2 clearances 3.7-3.3.4 emergency communication system 3.7-3.3.5 image viewer 3.7-7.2.3.4 ceilings 3.8-3.6.5 scrub facilities 3.8-7.2.3.4(2) ceiling finishes in operating rooms	03/16/2013	granted
Allegheny Reproductive Hlth Ctr.	28 Pa. Code § 571.1	3.8-3.6.5.1 hands-free scrub stations	05/12/2012	granted
Allentown Women's Center	28 Pa. Code § 571.1	3.8-3.6.5.1 hands-free scrub stations	05/12/2012	granted
Berger & Benjamin, LLP	28 Pa. Code § 571.12(b) and (c)	submission of plans	05/12/2012	denied
Planned Parenthood Assn of Bucks Cty—Warminster Health Ctr.	28 Pa. Code § 571.12	submission stages	03/16/2013	withdrawn
PP NE Mid Penn—Allentown	28 Pa. Code § 571.12	submission stages	03/16/2013	withdrawn
PP—Central PA York HC	28 Pa. Code § 571.12	submission stages	03/16/2013	withdrawn
<b>Ambulatory Surgical Facilities</b>				
Endoscopy Center of PA Hospital	28 Pa. Code Act 13	section 309 patient safety officer	05/18/2013	denied
Endoscopy Center of PA Hospital	28 Pa. Code Act 13	section 310(a)(2) composition	05/18/2013	denied
American Access Care—South Phila	28 Pa. Code § 551.2	classification levels, PS III patients	12/22/2012	granted w/conditions
Crozer Endoscopy Center	28 Pa. Code § 551.3	definitions	06/16/2012	withdrawn
Bucks County Access Center	28 Pa. Code § 551.3	definitions	01/19/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 551.3	definitions	05/18/2013	granted
Mount Nittany Surgical Center	28 Pa. Code § 551.3	definitions	04/20/2013	denied
Oxford Valley Pain & Surgical Ctr.	28 Pa. Code § 551.3	definitions	04/20/2013	granted
SAM Surgery Center	28 Pa. Code § 551.3	definitions	04/20/2013	granted w/conditions
York Adams Pain Specialists	28 Pa. Code § 551.3	definitions	03/16/2013	granted
American Access Care—South Phila	28 Pa. Code § 551.21(d)(1)	extensive blood loss	12/22/2012	granted
American Access Care—South Phila	28 Pa. Code § 551.21(d)(3)	directly involve major blood vessels	12/22/2012	granted
The Crozer Keystone Surgery Center at Brinton Lake	28 Pa. Code § 551.21(a)(1)	total of 4 hours of operating time	12/22/2012	denied
Leader Surgical Center	28 Pa. Code § 551.21(d)(3)	criteria for ambulatory surgery	03/16/2013	granted
Metro Vascular Center	28 Pa. Code § 551.21(d)(3)	criteria for ambulatory surgery	02/16/2013	granted
Quality Vascular Access Center	28 Pa. Code § 551.21(d)(3)	criteria for ambulatory surgery	01/19/2013	granted
UPMC Physicians Dept. Obstetrics Suite 2541	28 Pa. Code § 551.22(3)(i)	anesthesia services	05/19/2012	granted/not necessary
Children's Surgery Ctr. of Malvern	28 Pa. Code § 551.22(3)(ii)	criteria for performance of ambulatory surgery on pediatric patients	05/18/2013	granted
UPMC Physicians Dept. Obstetrics Suite 2541	28 Pa. Code § 551.22(4)	criteria for performance of ambulatory surgery on pediatric patients	05/19/2012	granted/not not necessary

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Plastic Surgery Assoc.—Johnstown	28 Pa. Code § 551.31	licensure	04/20/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 553.1	principle, governing body	05/18/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 553.1	principle governing body	01/19/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 553.2	ownership	01/19/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 553.3	governing body responsibilities	01/19/2013	granted
Plastic Surgery Assoc.—Johnstown	28 Pa. Code § 553.4	other functions	04/20/2013	denied
Saint Vincent Endoscopy Center	28 Pa. Code § 553.4	other functions	01/19/2013	granted
Children's Surgery Center of Malvern, LLC	28 Pa. Code § 553.31(a)	administrative responsibilities	12/22/2012	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 553.31(b)	administrative responsibilities	05/18/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 553.31	administrative responsibilities	01/19/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 555.1	medical staff—principle	05/18/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 555.2	medical staff membership	05/18/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 555.3	medical staff—requirements for membership	05/18/2013	granted
Crozer Keystone S.C. Brinton Lake	28 Pa. Code § 555.3	requirements for membership	08/11/2012	granted
Crozer-Keystone Surgery Ctr. at Haverford	28 Pa. Code § 555.3	requirements for membership and privileges	04/20/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 555.3	requirements for membership and privileges	01/19/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 555.4	clinical activities and duties	05/18/2013	not necessary
Saint Vincent Endoscopy Center	28 Pa. Code § 555.4	clinical activities and duties	01/19/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 555.31(a)	anesthesia services	05/18/2013	granted
Pine Grove Amb. Surgery Ctr.	28 Pa. Code § 555.32(a)	student registered nurse anesthetists	12/22/2012	granted
Children Surgery Ctr. of Malvern	28 Pa. Code § 555.32(a)	administration of anesthesia	04/20/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 557.1, 557.2 and 557.3	quality assurance and improvement	01/19/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 557.2	plan, quality assurance	05/18/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 557.2(c)(6)	infection control procedures	05/18/2013	granted
Crozer-Keystone Surgery Center at Haverford	28 Pa. Code § 557.3	quality assurance and improvement	04/20/2013	granted
Plastic Surgery Assoc.—Johnstown	28 Pa. Code § 557.4	quality assurance and improvement	04/20/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 559.2	director of nursing	01/19/2013	granted
Endoscopy Center of PA Hospital	28 Pa. Code § 563.1	principle, medical records	05/18/2013	granted
Saint Vincent Endoscopy Center	28 Pa. Code § 563.2(a) and (b)	organization and staffing of medical records	01/19/2013	granted
Crozer-Keystone Surgery Ctr. at Haverford	28 Pa. Code § 567.2	committee responsibilities	04/20/2013	granted
Crozer-Keystone Surgery Ctr. at Haverford	28 Pa. Code § 567.3	policies and procedures	04/20/2013	granted
American Access Care—South Phila	28 Pa. Code § 569.35	general safety precautions	12/22/2012	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Surgical Specialty Center of Northeastern Pennsylvania	28 Pa. Code § 569.35(7)	general safety precautions	04/20/2013	granted
Valley Surgical Center Inc.	28 Pa. Code § 569.35(7)	general safety precautions	05/18/2013	granted
American Access Care—South Phila	28 Pa. Code § 571.1	3.7-7.2.2.1 corridors	12/22/2012	not necessary
		3.7-7.2.2.3(1)(b) door openings		
		3.1-3.6.7.2 hand washing station		
Einstein Montgomery Surgery Ctr.	28 Pa. Code § 571.1	3.7-3.4.2.1(5)(a) pediatric recovery stations	12/22/2012	granted w/conditions
		3.7-3.4.2.2 (1)(a) min of 1 recovery	12/22/2012	not necessary
		3.7-3.8.1.1 (1) lockers		granted
		3.7-3.8.1.1 (2) toilets		granted
		3.7-3.8.1.1 (3) clothing change or gowning area		granted
		3.7-3.8.1.1 (4) space for administering medications		granted
Shriners Hospitals for Children Erie A.S.C.	28 Pa. Code § 571.1	3.1-3.6.7 nourishment area or room	06/16/2012	granted
Bucks County Access Center	28 Pa. Code § 571.1	3.1-8.4.4 medical gas and vacuum systems	01/19/2013	granted
		3.7-3.3.5 image viewer		
		3.7-3.4.2.3 phase II recovery		
		3.7-3.6.11.1 general equipment and supply storage		
		3.7-3.6.11.6 emergency resuscitation equipment		
		3.7-5.1.2.3 sterile storage	02/09/2013	granted
		3.7-6.1.1 entrance	01/19/2013	denied
		3.7-3.8.1.1 separate changing area	04/20/2013	granted
		3.7-6.1.1 entrance req. for reconsideration		granted
EastGate Amb. Care Center LLC	28 Pa. Code § 571.1	3.7-3.4.2.2 post-anesthesia recovery positions	04/20/2013	granted
		3.7-3.8.1 outpatient surgery change area	04/20/2013	granted
Geisinger Medical Center Outpatient Surgery—Woodbine	28 Pa. Code § 571.1	3.7.3.2 examination room	05/18/2013	granted
Heritage Valley Beaver	28 Pa. Code § 571.1	3.1-3.2.2.2(1) area	05/18/2013	granted
		3.1-4.1.3.2(2) clearances	05/18/2013	granted
		3.1-7.2.2.1(1) public corridors	05/18/2013	granted
Plaza Surgery Center	28 Pa. Code § 571.1	3.7-5.1.2.1(2) soiled workroom	04/20/2013	denied
		3.7-5.1.2.2 clean assembly/workroom		
		3.7-5.1.2.3 storage for sterile supplies		
<b>Nursing Care Facilities</b>				
Courtyard Gardens Nursing and Rehab Center	28 Pa. Code § 201.3	definitions	04/13/2013	granted
Fair Winds Manor	28 Pa. Code § 201.3	definitions	01/19/2013	granted
Inglis House	28 Pa. Code § 201.3	definitions	04/27/2013	granted
Rolling Hills Manor	28 Pa. Code § 201.3	definitions	04/27/2013	granted
South Fayette Nursing Center	28 Pa. Code § 201.3	definitions	03/30/2013	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Wood River Village	28 Pa. Code § 201.18(e)	management	03/16/2013	not necessary
Brethren Village	28 Pa. Code § 205.6(a)	function of building	03/09/2013	granted
Cambria Care Center	28 Pa. Code § 205.6(a)	function of building	01/19/2013	granted
Carbondale Nursing & Rehab Ctr.	28 Pa. Code § 205.6(a)	function of building	02/02/2013	granted
Countryside Convalescent Home Limited Partnership	28 Pa. Code § 205.6(a)	function of building	03/16/2013	granted
Forbes Center for Rehab and Healthcare	28 Pa. Code § 205.6(a)	function of building	02/02/2013	granted
Manchester Commons	28 Pa. Code § 205.6(a)	function of building	04/20/2013	granted
Manor Care Health Services—Bethel Park	28 Pa. Code § 205.6(a)	function of building	02/09/2013	granted
Manorcare Health Services—Williamsport South	28 Pa. Code § 205.6(a)	function of building	02/02/2013	granted
Millcreek Manor	28 Pa. Code § 205.6(a)	function of building	03/09/2013	granted
St. Luke's Vila	28 Pa. Code § 205.6(a)	function of building	05/11/2013	expanded
Marian Manor Corporation	28 Pa. Code § 205.7	basement or cellar	02/09/2013	granted
Butler Valley Manor	28 Pa. Code § 205.20(d)(f)	resident bedrooms	04/20/2013	temp. grant
Fairmount Homes	28 Pa. Code § 205.25(a)	kitchen	05/04/2013	temp. grant
Silver Oaks Health and Rehab Center	28 Pa. Code § 205.26(e)	laundry	03/09/2013	granted
Willows of Presbyterian Seniorcare	28 Pa. Code § 205.28(b)	nurses' station	02/23/2013	granted
Manchester Commons	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	03/23/2013	granted
Marian Manor Corporation	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	03/23/2013	granted
Thornwald Home	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	02/02/2013	granted
Clepper Manor	28 Pa. Code § 211.9(g)	pharmacy services	03/30/2013	granted
Golden Living Center—South Hills	28 Pa. Code § 211.9(g)	pharmacy services	04/06/2013	granted
Nugent Convalescent Home	28 Pa. Code § 211.9(g)	pharmacy services	03/16/2013	granted
Rothermel L. Caplan Transitional Care Unit	28 Pa. Code § 211.12(b)	nursing services	04/06/2013	temp grant

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1134. Filed for public inspection June 21, 2013, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Unemployment Compensation; Notice of Change to Penalty for Dishonored Checks and Failed Electronic Payments

Section 313 of the Unemployment Compensation Law (law) (43 P. S. § 793) provides as follows:

The department is hereby authorized to charge a penalty of one hundred per centum (100%) of the face value of the check or payment by electronic transfer,

up to a maximum of one thousand dollars (\$1,000) with a minimum of twenty-five dollars (\$25) per occurrence for all dishonored checks and payments by electronic transfer that are not credited upon transmission or at such other amounts as shall be determined by the secretary and published in the *Pennsylvania Bulletin* as a notice under 45 Pa.C.S. § 725(a)(3) (relating to additional contents of *Pennsylvania Bulletin*). Such sums shall be collectible in the manner provided in sections 308.1, 308.2, 308.3 and 309 of this act.

The purpose of this notice is to change the amount which the Department of Labor and Industry (Department) will charge under section 313 of the law as a

penalty for a dishonored check or a payment by electronic transfer that is not credited upon transmission from 100% of its face value to 10%. The maximum and minimum penalty amounts will remain at \$1,000 and \$25 respectively.

Under section 201(a) of the law (43 P. S. § 761(a)) and section 313 of the law, the Department is submitting this notice to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

This notice will take effect upon publication and will apply to penalties charged on or after the effective date without regard to the date of the check or payment by electronic transfer or the date when the check was dishonored or the payment by electronic transfer was not credited upon transmission.

Questions concerning this notice should be directed to Gregg D. Shore, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 13-1135. Filed for public inspection June 21, 2013, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Changes to an Additional Class of Disproportionate Share Payments

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to increase the funding allotted for Fiscal Year (FY) 2012-2013 for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically

distressed areas of this Commonwealth. There will be no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

In making these payments, the Department ensures that no acute care general hospital receives any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth is not exceeding its aggregate annual DSH allotment.

#### *Fiscal Impact*

The FY 2013-2014 fiscal impact as a result of this increase in the allocation for the additional class of DSH payments is \$15.000 million (\$6.858 million in State general funds and \$8.142 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. 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).

BEVERLY D. MACKERETH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-834. (1) General Fund; (2) Implementing Year 2012-13 is \$0; (3) 1st Succeeding Year 2013-14 is \$6,858,000; 2nd Succeeding Year 2014-15 is \$0; 3rd Succeeding Year 2015-16 is \$0; 4th Succeeding Year 2016-17 is \$0; 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1136. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions; 2013 Healthcare Common Procedure Coding System Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after June 24, 2013.

#### *Fee Schedule Revisions*

The Department is adding and end-dating procedure codes as a result of implementing the 2013 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding and end-dating other procedure codes. As follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Fees for the new procedure codes will be published in an MA Bulletin that will be issued to all providers.

The following procedure codes are being added to the MA Program Fee Schedule as a result of the 2013 HCPCS updates:

#### *Procedure Codes and Modifiers*

22586	22586 (80)	23473 (RT)	23473 (LT)	23473 (50)
23473 (80)(RT)	23473 (80)(LT)	23473 (80)(50)	23474 (RT)	23474 (LT)
23474 (50)	23474 (80)(RT)	23474 (80)(LT)	23474 (80)(50)	24370 (RT)
24370 (LT)	24370 (50)	24370 (80)(RT)	24370 (80)(LT)	24370 (80)(50)
24370 (SG)	24371 (RT)	24371 (LT)	24371 (50)	24371 (80)(RT)



24371 (80)(LT)	24371 (80)(50)	24371 (SG)	32554 (RT)	32554 (LT)
32554 (50)	32554 (SG)	32555 (RT)	32555 (LT)	32555 (50)
32555 (SG)	32556 (RT)	32556 (LT)	32556 (50)	32556 (SG)
32557 (RT)	32557(LT)	32557(50)	32557(SG)	32701
32701 (SG)	36221	36221 (SG)	36222 (RT)	36222 (LT)
36222 (50)	36222 (SG)	36223 (RT)	36223 (LT)	36223 (50)
36223 (SG)	36224 (RT)	36224 (LT)	36224 (50)	36224 (SG)
36225 (RT)	36225 (LT)	36225 (50)	36225 (SG)	36226 (RT)
36226 (LT)	36226 (50)	36226 (SG)	36227	36228
37197	37197 (SG)	37211	37211 (SG)	37212
37212 (SG)	37213	37214	38243	38243 (SG)
52287	52287 (SG)	64615	64615 (SG)	78012
78012 (TC)	78012 (26)	78013	78013 (TC)	78013 (26)
78014	78014 (TC)	78014 (26)	78071	78071 (TC)
78071 (26)	78072 (26)	82777	86711	86828
86829	86830	86831	86832	86833
86834	86835	87631	87632	87633
87910	87912	90672	90686	90791
90792	90792(HB)	90832	90832 (HB)	90834
90834 (HB)	90837	90837 (HB)	92920	92920 (SG)
92921	92924	92924 (SG)	92925	92928
92928 (SG)	92929	92933	92933 (SG)	92934
92937	92937 (SG)	92938	92941	92941 (SG)
92943	92943 (SG)	92944	93653	93653 (SG)
93654	93654 (SG)	93655	93656	93656 (SG)
93657	95017	95018	95076	95079
95782	95782 (TC)	95782 (26)	95783	95783 (TC)
95783 (26)	95907	95907 (TC)	95907 (26)	95908
95908 (TC)	95908 (26)	95909	95909 (TC)	95909 (26)
95910	95910 (TC)	95910 (26)	95911	95911 (TC)
95911 (26)	95912	95912 (TC)	95912 (26)	95913
95913 (TC)	95913 (26)	95924	95924 (TC)	95924 (26)
A4435	D1208	G0458	G0458 (SG)	J0890

The following procedure codes are being added to the MA Program Fee Schedule as a result of significant program exception requests:

*Procedure Codes and Modifiers*

49041	49041 (SG)	92583	92986	92986 (SG)
J0886				

The following procedure codes are being end-dated from the MA Program Fee Schedule either as a result of the 2013 HCPCS updates or because they were previously end-dated by CMS:

*Procedure Codes*

31656	31715	32420	32421	32422	37201
37203	37209	43234	65805	71040	71060
75650	75660	75662	75665	75671	75676
75680	75685	75900	75961	78000	78001
78003	78006	78007	78010	78011	83890
83891	83892	83893	83894	83896	83897
83898	83900	83901	83903	83904	83905
83906	83907	83908	83909	83912	83913
88384	88385	88386	90718	90801	90802
90804	90805	90806	90807	90808	90809
90810	90811	90812	90813	90814	90815
90816	90817	90818	90819	90821	90822
90862	92980	92981	92982	92984	92995
92996	93651	93652	95010	95015	95075
95900	95903	95904	95934	95936	D1203
E1065	G0290	G0291	Q4055	S3818	S3819
S3820	S3822	S3823			

Additionally, the Department is end-dating the following procedure code because it is an operative technique and integral to the surgical procedure; therefore, it is not eligible for separate payment:

*Procedure Code*

69990

*Procedure Description*

Microsurgical techniques, requiring use of operating microscope (list separately in addition to code for primary procedure)

No new authorizations will be issued for this procedure code on and after June 24, 2013. Providers should submit claims using the end-dated procedure code, as set forth in the authorization issued by the Department. The Department will accept claims with the end-dated procedure code until June 24, 2014, for those services that were previously prior authorized.

#### *Prior Authorization Requirements*

The following procedure codes being added to the MA Program Fee Schedule are considered advanced radiology services and will require prior authorization as authorized under section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) and as described in MA Bulletin 99-08-08 (Prior Authorization of Advanced Radiologic Imaging Services) which may be viewed online at <http://services.dpw.state.pa.us/olddpw/bulletinsearch.asp?BulletinId=4377>.

<i>Procedure Code</i>	<i>Procedure Description</i>
78071	Parathyroid planar imaging (including subtraction, when performed); with tomographic (SPECT)
78072	Parathyroid planar imaging (including subtraction, when performed); with tomographic (SPECT), and concurrently acquired computed tomography (CT) for anatomical localization

#### *Updates to Procedure Codes Currently on the MA Program Fee Schedule*

The Department will be adding pricing/informational modifiers (UB), (U7) and ((UB) (HB)) to the following procedure codes currently on the MA Program Fee Schedule:

	<i>Procedure Codes</i>
99201	99211

#### *Fiscal Impact*

There is no fiscal impact anticipated in Fiscal Year (FY) 2012-2013. The estimated cost for FY 2013-2014 is \$0.599 million (\$0.277 million in State funds). The estimated cost for FY 2014-2015 is \$0.450 million (\$0.210 million in State funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-824. (1) General Fund; (2) Implementing Year 2012-13 is \$0; (3) 1st Succeeding Year 2013-14 is \$277,000; 2nd Succeeding Year 2014-15 is \$210,000; 3rd Succeeding Year 2015-16 is \$210,000; 4th Succeeding Year 2016-17 is \$210,000; 5th Succeeding Year 2017-18 is \$210,000; (4) 2011-12 Program—\$645,095,000; 2010-11 Program—\$487,929,000; 2009-10 Program—\$435,939,000; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1137. Filed for public inspection June 21, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1

as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.

(13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.

(14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.

(15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-1138. Filed for public inspection June 21, 2013, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### The Delaware Riverkeeper Network and Maya Van Rossum, The Delaware Riverkeeper v. DEP and Brookshire Partners, LP, Permittee; EHB Doc. No. 2013-072-M

The Delaware Riverkeeper Network and Maya Van Rossum, The Delaware Riverkeeper have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Brookshire Partners, LP for stormwater discharges associated with construction activities in Upper Milford and Hereford Townships, Lehigh and Berks Counties.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 13-1139. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Norfolk Southern Railway Company v. DEP; EHB Doc. No. 2013-073-M

Norfolk Southern Railway Company has appealed the issuance by the Department of Environmental Protection of NPDES General Permit No. PAG-03 to Norfolk Southern Railway Company for a facility in the City of Sunbury, Northumberland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 13-1140. Filed for public inspection June 21, 2013, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. 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>
54-73	Pennsylvania Liquor Control Board Sale by Licensed Limited Distilleries and Distilleries 43 Pa.B. 2040 (April 13, 2013)	5/13/13	6/12/13
16A-4822	State Board of Funeral Directors Fees 43 Pa.B. 2044 (April 13, 2013)	5/13/13	6/12/13

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-6806	State Board of Examiners in Speech-Language and Hearing Termination of Grandfather Provisions 43 Pa.B. 2042 (April 13, 2013)	5/13/13	6/12/13
16A-7102	State Board of Crane Operators Fees 43 Pa.B. 2041 (April 13, 2013)	5/13/13	6/12/13

### **Pennsylvania Liquor Control Board**

#### **Regulation #54-73 (IRRC #2999)**

#### **Sale by Licensed Limited Distilleries and Distilleries**

**June 12, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 13, 2013 *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 Pennsylvania Liquor Control Board (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; Implementation procedures; Need; Clarity.**

Act 113 of 2011 (Act 113) made numerous amendments to the Liquor Code. 47 P. S. §§ 1-101, et. seq. Included in the amendments were changes to Section 505.4 (47 P. S. § 5-505.4), related to distilleries. The Board states that although Section 505.4 of the Liquor Code does not explicitly address the issues addressed by the rulemaking, legislative staff members have confirmed the intent of Act 113 was to enable distilleries to have the same privileges enjoyed by limited wineries. The intent of this rulemaking is to permit licensed limited distilleries and distilleries (distilleries) to deliver their products directly to consumers, retail licensees or the Board, similar to limited wineries. We have reviewed the sections of the Liquor Code and the Board's regulations that address limited wineries (47 P. S. § 5-505.2 and 40 Pa. Code § 11.111) and raise the following concerns.

One of the purposes of a regulation is to expand upon the statutory framework provided by the General Assembly in their enactment of a piece of legislation. This proposal provides little guidance beyond what already exists in statute and the Board's other regulations. As written, we question the need for this rulemaking. We note that the Board's limited wineries regulations include more detailed information that provides meaningful direction to the regulated community. If the intent of Act 113 is to enable distilleries to have the same privileges enjoyed by limited wineries, we suggest that this proposal more closely follow the regulatory framework found under the limited wineries regulations at § 11.111. In order to make the rulemaking consistent with intent of the General Assembly, we ask the Board to consider adding provisions related to the sale of food, liquor by the glass, tasting samples and the hours in which these activities can occur. We believe a more detailed regulation will assist with the implementation of the rulemaking and improve its overall clarity.

#### **2. Determining whether the regulation is in the public interest.**

Section 5.2 of the Regulatory Review Act directs this Commission to determine whether a regulation is in the public interest. 71 P. S. § 745.5b. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the Regulatory Review Act in the Regulatory Analysis Form (RAF). 71 P. S. § 745.5(a).

The Board's response to Section 12 of the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. In the RAF submitted with the final-form rulemaking, the Board should provide information comparing this regulation to the regulation of licensed limited distilleries and distilleries in other states.

#### **3. Section 11.221. Sale by licensed limited distilleries and distilleries.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

Subsection (d) states the following:

Mail, Internet and telephone orders may be accepted. Delivery of products must be accomplished through the use of vehicles properly registered by the licensed limited distillery or distillery or through properly licensed transporters. It is the responsibility of the licensed limited distillery or distillery licensee to ensure that liquor is not delivered to minors and that proper invoices and records are maintained.

We raise the following concerns. First, Section 505.4 of the Liquor Code limits the sale of liquor to the hours of 9 a.m. to 11 p.m. Will the acceptance of mail, Internet and telephone orders be limited to the hours specified in the Liquor Code? We ask the Board to explain how it will administer this provision. Second, we question how the Board will monitor the sale of liquor sold by mail, Internet or phone to minors. What procedures are in place to ensure that liquor is not received by those that are not of legal age? Third, what are the standards for properly registered vehicles and transporters? Where can the standards be found? We suggest that the standards, or a reference to where the standards can be found, be added to the rulemaking. Fourth, the limited wineries regulation includes a citation to the Board's record-keeping requirements found at § 5.103. To clarify the requirements that distilleries maintain "proper invoices and records," we suggest that this proposal reference § 5.104.

#### **4. Miscellaneous clarity.**

Act 113 expanded the scope of distilleries allowed to operate in the Commonwealth by adding licensed limited distilleries to the Liquor Code. The Board's existing

regulations only reference licensed distilleries of historical significance. We ask the Board to review its entire body of regulations to ensure consistency with the Act 113 amendments and make the necessary changes relating to the new type of license added by Act 113.

**State Board of Funeral Directors  
Regulation #16A-4822 (IRRC #3000)**

**Fees**

**June 12, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 13, 2013 *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 Funeral Directors (Board) to respond to all comments received from us or any other source.

**Comments of the House Professional Licensure Committee**

In a letter dated May 24, 2013, Representative Julie Harhart, Majority Chair of the House Professional Licensure Committee (Committee) and Representative Harry Readshaw, Minority Chair of the Committee, submitted a comment on behalf of the Committee requesting information pertaining to the major cost centers of the Board and any significant increases in the Board's expenditures. We will review the Board's response as part of our determination of whether the final regulation is in the public interest.

**State Board of Examiners in Speech-  
Language and Hearing**

**Regulation #16A-6806 (IRRC #3001)**

**Termination of Grandfather Provisions**

**June 12, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 13, 2013 *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 and Hearing (Board) to respond to all comments received from us or any other source.

**Section 45.21. Waivers.—Statutory authority; Legislative intent; Comments of the House Professional Licensure Committee; Reasonableness; Economic impact.**

*Statutory authority*

The Board cites the Speech-Language and Hearing Law at 63 P. S. § 1705(2) as its statutory authority for this regulation. That provision states, in part, that the Board shall have the power and its duties shall be:

(2) To adopt and revise rules and regulations consistent with the law as may be necessary to implement the provisions of this act. . . .

The Speech-Language and Hearing Law also states, in part:

(c) Requirements for current practitioners.—The board shall waive the examination and educational requirements for any applicant who, on the effective date of this act:

(1) has at least a bachelor's degree with a major in speech-language pathology, audiology or teaching the

hearing impaired from an accredited college or university, and who has been employed as a speech-language pathologist, audiologist or teacher of the hearing impaired for at least nine consecutive months within three years prior to the effective date of this act; and

(2) files an application with the board providing bona fide proof of the degree and employment together with the application fee prescribed in section 8.

63 P. S. § 1707(c)

This regulation would delete existing Paragraph (a)(4), which implements 63 P. S. § 1707(c), and would also add Subsection (b) which states:

The Board will not grant a license under section 7(c) of the act (63 P. S. § 1707(c)) to an applicant who applies after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.).

The amended regulation would essentially state the Board will no longer follow 63 P. S. § 1707(c) of the Speech-Language and Hearing Law. If the Board wants to eliminate this course for licensure, the Board should seek an amendment to the Speech-Language and Hearing Law. Absent such an amendment, the Board should provide an explanation of its authority for this regulation under the existing Speech-Language and Hearing Law, particularly in regard to 63 P. S. §§ 1705(2) and 1707(c).

*Legislative intent*

In the Preamble, the Board explains that

. . . the General Assembly must have intended that existing practitioners apply within a reasonable time after enactment of the act. It has now been 27 years since the act was enacted. Clearly, 27 years is much longer than a reasonable period of time in which to apply for licensure under the more relaxed standards for "existing practitioners." Accordingly, the Board proposes to eliminate the process by which those individuals that qualified as "existing practitioners" in 1985 apply for licensure under the waiver provision. . . .

How did the Board determine the General Assembly's intent? The Board should explain why it believes the General Assembly intended for existing practitioners to apply within a reasonable time, but did not express that intent in the language of 63 P. S. § 1707(c)(2) or elsewhere in the Speech-Language and Hearing Law.

*Comments of the House Professional Licensure Committee (Committee)*

In a letter dated May 24, 2013, Representative Julie Harhart, Majority Chair, and Representative Harry Readshaw, Minority Chair of the Committee, submitted a comment on behalf of the Committee requesting "information pertaining to the recent history of applications, pursuant to this waiver." We will review the Board's response as part of our determination of whether the final regulation is in the public interest.

*Reasonableness and economic impact*

Regulatory Analysis Form Question 16 asks the Board to "[L]ist the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply." The Board's response is as follows:

All individuals who qualify for the waiver available to "existing practitioners" in 1985 would be required to comply with the rulemaking. Because section 6(b)(2)

of the act (63 P. S. § 1706(b)(2)) exempts from the licensure requirement persons credentialed by the Department of Education in speech or hearing and employed by a primary or secondary school, the vast majority of applicants who may qualify for this waiver are certified by the Department of Education and have been working in the schools (without a license issued by the Board) under the exemption. Should they leave employment in the schools, they would need to obtain a license in order to continue to provide speech-language services and may not qualify for a license under the current education, experience and examination standards. *The Board has no way of knowing how many of these individuals may still be working in the schools.* (Emphasis added.)

The impact of this regulation needs to be explored and explained further before we can make a determination of whether the regulation is in the public interest, particularly in regard to the number of individuals working in the schools. The Board should provide an explanation of why it is in the public interest to foreclose this avenue of licensure for persons who could otherwise lawfully qualify for licensure, and therefore seek employment, in this profession under the Speech-Language and Hearing Law.

**State Board of Crane Operators  
Regulation #16A-7102 (IRRC #3002)**

**Fees**

**June 12, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 13, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the State Board of Crane Operators (Board) to respond to all comments received from us or any other source.

**Comments of the House Professional Licensure Committee**

In a letter dated May 24, 2013, Representative Julie Harhart, Majority Chair of the House Professional Licensure Committee (Committee) and Representative Harry Readshaw, Minority Chair of the Committee, submitted a comment on behalf of the Committee requesting information pertaining to the major cost centers of the Board and any significant increases in the Board's expenditures. We will review the Board's response as part of our determination of whether the final regulation is in the public interest.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1141. Filed for public inspection June 21, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Appeal of JJ Powell, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2012-0072(M); Doc. No. UT13-06-007**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency of Law), 1 Pa. Code Part II (relating to

General Rules of Administrative Practice and Procedures) and any other relevant provisions of law.

A prehearing telephone conference will be held on August 14, 2013, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before July 29, 2013. Answers to petitions to intervene, if any, shall be filed on or before August 13, 2013.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1142. Filed for public inspection June 21, 2013, 9:00 a.m.]

**Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by Commonwealth Mortgage Assurance Company of Texas**

Commonwealth Mortgage Assurance Company of Texas, a Texas stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Texas to the Commonwealth of Pennsylvania. The filing was made under 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication 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 the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or to syerger@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1143. Filed for public inspection June 21, 2013, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code

§§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of James D. Swift; file no. 13-198-137481; Mid Century Insurance Company; Doc. No. P13-05-005; July 24, 2013, 9 a.m.

Appeal of Stacy Cleveland; file no. 13-115-133730; Capitol Insurance Company; Doc. No. P13-03-003; July 24, 2013, 10 a.m.

Appeal of Peter Surach; file no. 13-198-135470; Infinity Casualty Insurance Company; Doc. No. P13-03-022; July 24, 2013, 1 p.m.

Appeal of Edward and Linette Leshar; file no. 12-114-122971; Interinsurance Exchange of the Auto Club; Doc. No. P13-05-023; July 25, 2013, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1144. Filed for public inspection June 21, 2013, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with their

companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Shirley Sutton; file no. 13-130-140542; Property and Casualty Insurance Company of Hartford; Doc. No. P13-05-015; July 24, 2013, 2 p.m.

Appeal of Patricia Peterson; file no. 13-130-136064; Allstate Insurance Company; Doc. No. P13-04-001; July 24, 2013, 3 p.m.

Appeal of Herbert Ragsdale; file no. 13-115-135032; The Travelers Home and Marine Insurance Company; Doc. No. P13-03-025; July 25, 2013, 10 a.m.

Appeal of John and Caryn Morrow; file no. 13-114-139971; Chubb National Insurance Company; Doc. No. P13-05-024; July 25, 2013, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1145. Filed for public inspection June 21, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Approval of Siting and Reconstruction

**A-2013-2367521. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation filed under 52 Pa. Code Chapter 57, Subchapter G (relating to Commission review of siting and construction of electric transmission lines) for approval of the siting and reconstruction of the double circuit 138/69 kV Lake

Harmony—Lake Naomi transmission line in portions of Coolbaugh, Pocono and Tobyhanna Townships, Monroe County and Kidder Township, Carbon County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 10, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

#### Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, July 16, 2013

*Time:* 10 a.m.

*Location:* Room 318  
Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503

*Location:* Hearing Room 3—Harrisburg Parties  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA

*Presiding:* Administrative Law Judge Ember S. Jandebeur  
(by means of telephone to Harrisburg)  
Room 317, Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503  
(570) 963-4818  
Fax: (570) 963-3310

*Attention:* Individuals may lose the case if they do not take part in this hearing and present facts on the issues raised.

For individuals who intend to file exhibits, two copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the presiding officer. A copy must also be provided to each party of record.

The Pennsylvania Public Utility Commission's (Commission) rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, individuals should have an attorney of their choice file an entry of appearance before the scheduled hearing.

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1146. Filed for public inspection June 21, 2013, 9:00 a.m.]

#### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 8, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2013-2355998. Moving America USA of Pittsburgh, Inc.** (1395 South Ocean Boulevard, Suite 203, Pompano Beach, FL 33062) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in Allegheny County to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1147. Filed for public inspection June 21, 2013, 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 July 8, 2013, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. I & S Magassa Inc;*  
A-00114211; Doc. No. C-2011-2275261

#### 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 del-



egated 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 I & S Magassa, Inc., Respondent, maintains a principal place of business at P. O. Box 14498, Philadelphia, PA 19115.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 30, 1997, at A-00114211.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on March 20, 2010, a Complaint was instituted against Respondent at C-2010-2137675 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated August 2, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel I & S Magassa, Inc.'s Certificate of Public Convenience at A-00114211 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 12/9/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Jalmana Inc;*  
A-00120824; Doc. No. C-2011-2258090

#### 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 Jalmana, Inc., Respondent, maintains a principal place of business at 142 Willow Brook Road, Clifton Heights, PA 19018.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 30, 2004, at A-00120824.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 4, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on March 1, 2010, a Complaint was instituted against Respondent at C-2010-2135197 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 11, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Jalmana, Inc.'s Certificate of Public Convenience at A-00120824 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements

herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/22/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. JIP Inc;  
A-00115294; Doc. No. C-2011-2258082*

#### 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 Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That JIP, Inc., Respondent, maintains a principal place of business at 6437 Emlen Street, Philadelphia, PA 19119.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on November 16, 1998, at A-00115294.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 4, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on March 10, 2010, a Complaint was instituted against Respondent at C-2010-2131203 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 11, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement Staff hereby requests that the Commission cancel JIP, Inc.'s Certificate of Public Convenience at A-00115294 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/22/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Oscar M V Inc;  
A-00110466; Doc. No. C-2011-2261566*

#### 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 Oscar M V, Inc., Respondent, maintains a principal place of business at 107 East Mentor Street, Philadelphia, PA 19120.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 21, 1992, at A-00110466.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2008, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on April 12, 2010, a Complaint was instituted against Respondent at C-2010-2132454 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 8, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Oscar M V, Inc.'s Certificate of Public Convenience at A-00110466 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/22/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Saint Cab Inc;  
A-00112474; Doc. No. C-2011-2273118*

#### 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 Saint Cab, Inc., Respondent, maintains a principal place of business at 5621 Montour Street, Philadelphia, PA 19124.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 24, 1996, at A-00112474.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this

Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on April 12, 2010, a Complaint was instituted against Respondent at C-2010-213488 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated October 3, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Saint Cab, Inc.'s Certificate of Public Convenience at A-00112474 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 11/17/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Wanna Cab Inc;  
A-00107461; Doc. No. C-2011-2264747*

#### 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 Wanna Cab, Inc., Respondent, maintains a principal place of business at 306 E. Baltimore Pike, Suite A, Media, PA 19063.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on December 3, 1987, at A-00107461.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on May 27, 2010, a Complaint was instituted against Respondent at C-2010-2135153 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 11, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Wanna Cab, Inc.'s Certificate of Public Convenience at A-00107461 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 10/19/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the

cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Karam Cab Co;  
A-00115341; Doc. No. C-2011-2258084*

#### 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 Karam Cab Co., Respondent, maintains a principal place of business at 112 Seaford Road, Upper Darby, PA 19082.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 16, 1999, at A-00115341.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 4, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on April 9, 2010, a Complaint was instituted against Respondent at C-2010-2131204 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a

\$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 11, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement Staff's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement Staff hereby requests that the Commission cancel Karam Cab Co.'s Certificate of Public Convenience at A-00115341 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/22/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to: Rosemary Chiavetta, Secretary Pennsylvania Public Utility Commission P. O. Box 3265 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Kebe Cab Co;  
A-00118352; Doc. No. C-2011-2258087*

#### 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 Kebe Cab Co., Respondent, maintains a principal place of business at 1100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on November 14, 2001, at A-00118352.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on March 1, 2010, a Complaint was instituted against Respondent at C-2010-2135170 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 11, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement Staff's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement Staff hereby requests that the Commission cancel Kebe Cab Co.'s Certificate of Public Convenience at A-00118352 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/22/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Kodjoe Cab Co;  
A-00119491; Doc. No. C-2011-2258088*

#### 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 Kodjoe Cab Co., Respondent, maintains a principal place of business at 5621 Montour Street, Philadelphia, PA 19124.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 11, 2003, at A-00119491.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on July 11, 2011, a Complaint was instituted against Respondent at C-2010-2131225 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 11, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

*Wherefore*, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Kodjoe Cab Co.'s Certificate of Public Convenience at A-00119491 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265



VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/22/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

NOTICE

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. S & V Cab Co;  
A-00116863; Doc. No. C-2011-2272392*

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 S & V Cab Co., Respondent, maintains a principal place of business at 1100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 14, 2000, at A-00116863.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on April 12, 2010, a Complaint was instituted against Respondent at C-2010-2132483 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated October 3, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel S & V Cab Co.'s Certificate of Public Convenience at A-00116863 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 11/17/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

NOTICE

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Stephanie Cab Co;  
A-00118480; Doc. No. C-2011-2275490*

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 Stephanie Cab Co., Respondent, maintains a principal place of business at 100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 18, 2002, at A-00118480.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on April 12, 2010, a Complaint was instituted against Respondent at C-2010-2135174 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated October 3, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Stephanie Cab Co.'s Certificate of Public Convenience at A-00118480 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 12/9/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Yannis Cab Co;  
A-00120932; Doc. No. C-2011-2264750*

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 Yannis Cab Co., Respondent, maintains a principal place of business at 918 Canal Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on August 30, 2004, at A-00120932.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on March 1, 2010, a Complaint was instituted against Respondent at C-2010-2135198 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 8, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

*Wherefore*, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Yannis Cab Co.'s Certificate of Public Convenience at A-00120932 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 11/4/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

NOTICE

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

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Harrisburg, PA 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau  
of Investigation and Enforcement v. Ayers  
Contracting ENT., Inc.; Doc. No. C-2013-2357487*

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 Ayers Contracting ENT., Inc., (respondent) is under suspension effective January 09, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 639 Prouty Rd, Austin, PA 16720.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 30, 2010, at A-2010-2179260.

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 and 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-2010-2179260 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: 4/17/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
 Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
 Bureau of Investigation and Enforcement  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

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. A cord 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 admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Com-

mission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

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 optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
 Investigation and Enforcement v. Time Taxi Inc;  
 A-00113120; Doc. No. C-2011-2264745*

### 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 Time Taxi, Inc, Respondent, maintains a principal place of business at 49 Bruce Drive, Holland, PA 18966.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 20, 1996, at A-00113120.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on March 1, 2010, a Complaint was instituted against Respondent at C-2010-2135210 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 8, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Time Taxi, Inc., t/a Stephanie Cab Co.'s Certificate of Public

Convenience at A-00113120 for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager of the 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 the Bureau will be able to prove the 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: \_\_\_\_\_ 10/19/11 \_\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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 optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1148. Filed for public inspection June 21, 2013, 9:00 a.m.]

#### **Water Service**

**A-2013-2367959. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in an additional portion of Jackson Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 8, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1149. Filed for public inspection June 21, 2013, 9:00 a.m.]

## **STATE CHARTER SCHOOL APPEAL BOARD**

### **Schedule of Meetings**

The State Charter School Appeal Board will meet as follows:

July 30, 2013	1 p.m.	Honors Suite
September 24, 2013	1 p.m.	Honors Suite
October 15, 2013	1 p.m.	Honors Suite
December 10, 2013	1 p.m.	Heritage Suite A
February 18, 2014	1 p.m.	Honors Suite
March 25, 2014	1 p.m.	Honors Suite
April 29, 2014	1 p.m.	Honors Suite
June 3, 2014	1 p.m.	Honors Suite

Unless due and timely notice to the contrary is given, these meetings will be held in the Honors Suite on the First Floor or Heritage Suite A, Lobby Level, Department of Education Building, 333 Market Street, Harrisburg, PA.

Persons with disabilities needing special accommodations to attend the meetings may contact Ernest Helling,

Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or Pennsylvania AT&T Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

ERNEST N. HELLING,  
*Board Counsel*

[Pa.B. Doc. No. 13-1150. Filed for public inspection June 21, 2013, 9:00 a.m.]

# STATE HARNESS RACING COMMISSION

## Approval of Fee Schedule

The State Harness Racing Commission (Commission) establishes its revised schedule of occupational license fees. This license fee schedule is issued under authority granted the Commission by the Race Horse Industry Reform Act (act) (4 P. S. §§ 325.101—325.402).

The act requires the Commission to license trainers, drivers, horse owners, persons participating in harness horse race meetings and all other persons and vendors exercising their occupation or employed at harness horse race meetings. See section 213(a) of the act (4 P. S. § 325.213(a)). It also requires the Commission to fix the fee for each license and provides that each license shall be issued for a 3-year term.

The Commission recognizes fingerprint reciprocity with other harness racing jurisdictions. A 3-year license may be issued for all persons who have a current license in another harness racing jurisdiction and may have been FBI fingerprinted in a harness racing jurisdiction with which the Commonwealth has reciprocity. This applies to owners, trainers and any classification combination thereof. The following are those harness racing jurisdic-

tions for which fingerprints will be accepted: California, Delaware, Florida, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Oklahoma and Virginia. Only new and renewal applicants for an owner’s license may omit the picture requirement unless entering the stable area. Make the check or money order payable to “Pa Harness Racing Commission” and mail to one of the racetrack offices listed at the top of the license application.

The Commission approves and establishes the following occupational license fees. This fee schedule takes effect as of July 1, 2013, and supersedes any previous fee schedule approved and issued by the Commission.

<i>License Classification</i>	<i>Fee</i>
Owner.....	\$100
Trainer.....	\$100
Driver.....	\$100
Groom.....	\$15
Veterinarian.....	\$100
Blacksmith.....	\$30
Track Management and Officials.....	\$100
Vendor.....	\$30
Vendor Employee.....	\$15
Vendor-Corporate Tote.....	\$500
Vendor-Corporate Tote Management.....	\$60
Association Employee.....	\$15
Pari-Mutuel Department.....	\$30
Concession.....	\$15
Duplicate License.....	\$25

If fingerprinting is required, a \$40 fingerprint processing fee shall be added to the license classification fee as established in the previous table.

GEORGE CRAWFORD,  
*Executive Secretary*

[Pa.B. Doc. No. 13-1151. Filed for public inspection June 21, 2013, 9:00 a.m.]

