

# PENNSYLVANIA BULLETIN

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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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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.

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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.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

#### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 129

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 28, 2014 directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717 231-9531  
E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

By the Domestic Relations  
Procedural Rules Committee

CAROL S. MILLS McCARTHY,  
Chair

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

\* \* \* \* \*

(e) At the conclusion of the conference or [ promptly thereafter ] not later than 10 days after the conference, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:

\* \* \* \* \*

#### Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

\* \* \* \* \*

(d) The hearing officer shall receive evidence, hear argument and, not later than 20 days after the close of the record, file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:

\* \* \* \* \*

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

\* \* \* \* \*

(d) *Divided or Split Physical Custody. When Each Party Has Primary Custody of One or More of the Children. Varied Custodial Schedules.*

(1) *Divided or Split Physical Custody. When Each Party Has Primary Custody of One or More of the Children.* When calculating a child support obligation, and one or more of the children reside primarily with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$2,500 and \$1,250 respectively, Father's child support obligation is calculated as follows. Using the schedule in Rule 1910.16-3 for two children at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,200. As Father's income is 67% of the parties' combined net monthly income, Father's support obligation for the two children living with Mother is \$804. Using the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is \$276. Subtracting \$276 from \$804 produces a net basic support amount of \$528 payable to Mother as child support.

[ (A) ] When calculating a combined child support and spousal or alimony pendente lite obligation, and one or more children reside with each party, the court shall [ , except as set forth in subdivision (B) below, ] offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. [ (B) ] When one or more of the children resides with each party [ and the obligee's net income is 10% or less of the parties' combined net monthly income, ] then, in calculating the spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

\* \* \* \* \*

[Pa.B. Doc. No. 13-2363. Filed for public inspection December 20, 2013, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## DAUPHIN COUNTY

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

#### Order

*And Now*, this 4th day of December 2013, Dauphin County Local Rules of Civil Procedure 1915, 1915.1, 1915.7 and 1915.15(c) are amended as follows:

Rule 1915. Actions for **Legal and Physical Custody**[ , **Partial Custody**, ] of Minor Children.

#### Rule 1915.1. Scope.

(a) These rules shall govern all actions for **legal and physical custody**[ , **partial custody, and visitation** ], including original actions, modification petitions, contempt petitions, and registration of foreign decrees. The rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody actions, Pa.R.C.P. 1915.1 et seq.

(b) If a claim for **legal and physical custody**[ , **partial custody, or visitation** ] is raised during the course of an action for support, a party shall file a separate action for **legal and physical custody, [partial custody, shared custody or supervised custody or visitation]** with the Prothonotary.

#### Rule 1915.7. Agreements and Consent Orders.

(a) Agreements and consent orders filed contemporaneously with the custody complaint:

1. When a custody agreement has been reached prior to the filing of the custody complaint, either party shall file with the Prothonotary the original signed custody agreement simultaneously with the original and one copy of the custody complaint.

2. The custody agreement shall be signed by all parties and the signatures shall be witnessed **or notarized**.

3. The custody agreement shall contain a proposed order of court **with a distribution legend**.

4. An administrative fee of \$150.00 shall be paid to the Prothonotary in accordance with Rule 1915.3(a) or (b).

5. The Prothonotary shall forward the original custody complaint and the signed and witnessed custody agreement to the Court Administrator's Office for review and assignment to the judge assigned to oversee custody matters.

6. Agreements shall not contain any provision relating to child support.

7. **Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court and this may be obtained from the Court Administrator's Office.**

(b) Agreements and consent orders to modify existing custody orders:

1. When the parties agree to modify an existing custody order, the original agreement and consent order shall be filed with the Prothonotary. A petition for modification

of a custody order should not be filed. There shall be no administrative fee paid to the Prothonotary for the modification of an existing custody order when no petition for modification of a custody order has been filed.

2. The custody agreement shall be signed by all parties and the signatures shall be witnessed **or notarized**.

3. The custody agreement shall contain a proposed order of court **with a distribution legend**.

4. The Prothonotary shall forward the original signed and witnessed custody agreement to the Court Administrator's Office for review and assignment to the judge assigned to oversee custody matters.

5. Agreements shall not contain any provision relating to child support.

6. **Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court and this may be obtained from the Court Administrator's Office.**

(c) Agreements reached after the complaint or petition for modification of a custody order is assigned to a Custody Conference Officer:

1. If at any time prior to the Custody Conference the parties are able to agree upon custody [ **or visitation** ], the parties shall [ **submit a proposed agreement and consent order to the Custody Conference Officer for disposition in conjunction with these rules.** ] **file with the Prothonotary the proposed custody agreement.** The custody agreement shall be signed by all parties and the signatures shall be witnessed **or notarized**. **The custody agreement shall contain a proposed order of court with a distribution legend.**

2. [ **The Custody Conference Officer shall submit the proposed agreement and consent order to the judge assigned to oversee custody matters.** ] **The Prothonotary shall forward the original signed and witnessed custody agreement to the Court Administrator's Office for review and assignment to the judge assigned to oversee custody matters.**

3. **Agreements shall not contain any provision relating to child support.**

4. **Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court and this may be obtained from the Court Administrator's Office.**

(d) Agreements reached after a custody matter has been assigned to a judge:

1. If at any time prior to a conference or hearing before the assigned judge an agreement is reached regarding custody [ **or visitation** ], the parties shall [ **submit a** ] **file with the Prothonotary the proposed agreement and consent order [ to the assigned judge ] with a distribution legend.** The agreement shall be signed by all parties and the signatures shall be witnessed **or notarized**. **Agreements shall not contain any provision relating to child support. The Prothonotary**



shall forward the original signed and witnessed custody agreement to Court Administrators Office for delivery to the assigned judge. Upon presentation of the agreement and consent order, the Court may, in its discretion, enter an order without taking testimony.

2. The parties or children need not be present at a scheduled conference or hearing before a judge when an agreement has been reached prior to the conference or hearing unless the Court so directs.

3. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court and this may be obtained from the Court Administrator's Office.

**Rule 1915.15(c). Cover Sheet to Custody Complaint, Petition for Modification or Petition for Contempt.**

In addition to the information required by Pa.R.C.P. 1915.15(a) or 1915.15(b), each Complaint, Petition for Modification or Petition for Contempt relating to child custody [ or visitation ] shall contain a cover sheet in the following format:

Plaintiff : IN THE COURT OF COMMON PLEAS  
 : DAUPHIN COUNTY, PENNSYLVANIA  
 : CIVIL ACTION  
 : CUSTODY[ /VISITATION ]  
 Defendant : NO.

**ORDER OF COURT**

You, \_\_\_\_\_, have been sued in court to obtain  shared legal custody,  sole legal custody,  partial physical custody,  primary physical custody,  shared physical custody,  sole physical custody,  supervised physical custody of the following child(ren):

AND NOW, upon consideration of the attached Complaint, Petition for Modification or Petition for Contempt of a Custody Order, it is hereby directed that the parties and their respective counsel appear before the Custody Conference Officer, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, Dauphin County Courthouse, [ Front and Market Streets, ] 3rd Floor, 101 Market Street, Harrisburg, Pennsylvania for a Custody Conference. At such Conference, an effort will be made to resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the Court, and to enter into a Temporary Order. Children should not attend the conference unless requested by the Custody Conference Officer.

You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with the conference officer or judge or conciliation) but not later than 30 days after service of the complaint or petition. This is filed in the Prothonotary's Office at the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA.

No party may make a change in the residence of any child which significantly impairs the ability of

the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. no. 1915.17 regarding relocation.

The Court strongly recommends that all parties immediately attend the Seminar for Families in Conflict presented by InterWorks which provides helpful information on communication concerning the child(ren) despite disagreements of the parties on those and other topics. Call InterWorks to schedule attendance at (717) 236-6630. If resolution is not reached at the custody conference, the Court will order the parties to attend the Seminar.

FOR THE COURT:

Date \_\_\_\_\_ By \_\_\_\_\_  
 Custody Conference Officer

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

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

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
 213 North Front Street  
 Harrisburg, PA 17101  
 (717) 232-7536

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at (717) 780-6624. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

TODD A. HOOVER,  
 President Judge

[Pa.B. Doc. No. 13-2364. Filed for public inspection December 20, 2013, 9:00 a.m.]

**WARREN AND FOREST COUNTIES**

**Local Rules of Criminal Procedure; Misc. No. 39 of 2013**

**Order**

And Now, this 3rd day of December, 2013, the Court hereby adopts the Local Rules of Criminal Procedure as hereinafter set forth for the 37th Judicial District comprised of Forest and Warren Counties. Said Rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. Written notification has been received by the Pennsylvania Criminal Procedural Rules Committee as follows.

It is further ordered that the Local Rules of Criminal Procedure as they existed prior to the adoption of the Rules herein set forth are hereby repealed on the effective date of the new Rules.

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

1. File One (1) certified copy of this Order and Local Rules with the Administrative Office of Pennsylvania Court.

2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. A copy shall be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

5. File one (1) copy with the Prothonotaries/Clerk of Courts of the Court of the 37th Judicial District. Said Rules shall be posted on the Court web site of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the Prothonotaries/Clerk of Courts upon request and payment of reasonable cost of reproduction and mailing.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

#### **RULES OF CRIMINAL PROCEDURE**

##### **Rule Crim.P.L100. Scope of Local Rules.**

These rules are adopted in accordance with the Pennsylvania Rules of Criminal Procedure and are applicable to criminal cases in the Court of Common Pleas of Forest and Warren Counties, Pennsylvania and the Magisterial District Courts of Forest and Warren Counties, Pennsylvania to the extent appropriate.

##### **Rule Crim.P.L101. Purpose and Construction.**

These rules are intended and shall be construed to supplement the Pennsylvania Rules of Criminal Procedure.

##### **Rule Crim.P.L102. Citing the Local Rules of Criminal Procedure.**

These rules shall be known as the Rules of Criminal Procedure of the 37th Judicial District and shall be cited as "37.R.Crim.P.L \_\_\_\_\_."

##### **Rule Crim.P.L103. Definitions.**

(a) The definitions of terms used in these rules shall be the same as those set forth in Pa.R.Crim.P. 103, except:

(1) "Court" shall mean the Court of Common Pleas of the 37th Judicial District.

(2) "Issuing Authority" shall mean any one of the current Magisterial District Judges for the 37th Judicial District.

(3) "Rule" shall mean any rule of the Court unless otherwise indicated.

##### **Rule Crim.P.L104. Design of Forms.**

The design of all forms mandated for use by the Court pursuant to these rules shall be determined by the District Court Administrator of the 37th Judicial District in consultation with the Court.

##### **Rule Crim.P.L106. Continuances in Summary and Court Cases.**

(a) A motion for a continuance of any matter shall state the reason the continuance is requested and whether the motion is contested or uncontested.

(b) All motions for a continuance of a jury trial shall be made at least forty-eight (48) hours before the time set for trial. Any motion made later than forty-eight (48) hours before the time set for trial shall be in compliance with Pa.R.Crim.P.106(C).

(c) All motions for a continuance of a non-jury trial shall be made at least forty-eight (48) hours before the time set for trial. Any motion made later than forty-eight (48) hours before the time set for trial shall be in compliance with Pa.R.Crim.P.106(C).

(d) All motions for a continuance of an argument or an evidentiary hearing shall be made at least three (3) days before the time scheduled for the argument or the hearing. A later motion shall be entertained only when the opportunity therefor did not previously exist, the moving party was not aware of the grounds for the motion or the interests of justice require it.

##### **Rule Crim.P.L109. Defects in Form, Content, or Procedure; Noncompliance.**

No case shall be dismissed nor request for relief granted or denied because of failure to comply with one or more of these local rules. In any case of noncompliance, the Court will alert the party to the specific provision at issue and will provide a reasonable time for subsequent compliance.

##### **Rule Crim.P.L111. Public Discussion of Pending or Imminent Criminal Litigation by Court Personnel.**

All Courthouse personnel including, among others, Sheriffs, Sheriffs' deputies, court clerks, law clerks, tipstiffs, court reporters, secretaries and other support staff are prohibited from disclosing any information relating to a pending criminal case that is not part of the public record of the case, unless authorized by the Court. This rule also precludes disclosure of any information whether acquired at a formal or informal judicial proceeding.

##### **Rule Crim.P.L113. Criminal Case File and Docket Entries.**

(a) *Admission and Custody of Exhibits.*

(1) Counsel for the respective parties shall retain possession and shall be responsible for the care and custody of all tangible exhibits used at hearings and trials, whether or not they have been presented, marked, identified and used, until such time as they have been formally offered into evidence.

(2) From and after an order of admission or, if admission is denied, if the Court should so order, the Court Reporter at the time of the proceedings shall take possession and shall be responsible for the care and custody of all such tangible exhibits during the remainder of the hearing or trial, and thereafter, until further order of the Court.

(3) At any time after final disposition of the case, including the expiration of any applicable appeal period, the Court Reporter or Clerk of Courts may, after notice to counsel for all parties, petition the Court for an order authorizing the removal and disposition by destruction or, otherwise, of any tangible exhibit of a size or weight precluding its enclosure in a regular case file.



(b) *Restriction on Removal of Records and Files.* No file containing original documents, nor any original documents contained therein, may be removed from the Office of the Clerk of Courts, except by special order of the Court, by anyone other than the following:

- (1) A Judge of the Court or his/her authorized representative;
- (2) The District Court Administrator;
- (3) The Clerk of Courts and regularly employed and duly authorized employees of that office; and
- (4) Counsel of Record as authorized by the Clerk of Courts.

**Rule Crim.P.L117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.**

(a) Continuous coverage for issuing warrants, holding preliminary arraignments and summary trials, and setting and accepting bail shall be by the traditional on-call system as presently established. The President Judge shall assign a Magisterial District Judge to establish the schedule of assignment of Magisterial District Judges to on-call duty. This schedule shall be submitted to the President Judge for approval.

(b) Magisterial District Judges, the Clerk of Courts and the Sheriff of Warren County acting in his capacity as Warden of the Warren County Prison shall be authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

**Rule Crim.P.L119. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings.**

(a) A defendant may consent to a proceeding being conducted using two-way simultaneous audio-visual communication by signing or authorizing his/her counsel of record to sign a Waiver of Courtroom Appearance in a form substantially consistent with Form L119 of these rules prior to or at the time of a two-way simultaneous audio-visual communication.

(b) Whenever a defendant consents to a proceeding being conducted using two-way simultaneous audio-visual communication, the Court or Issuing Authority shall conduct a colloquy regarding the defendant's consent when the defendant's constitutional right to be physically present is implicated.

**Form L119**

IN THE COURT OF COMMON PLEAS  
OF THE 37th JUDICIAL DISTRICT OF  
PENNSYLVANIA  
\_\_\_\_\_ COUNTY BRANCH  
CRIMINAL

COMMONWEALTH OF  
PENNSYLVANIA

vs. CR \_\_\_ of \_\_\_

\_\_\_\_\_  
Defendant

**Waiver of Courtroom Appearance**

I am aware that I have a right to appear in a courtroom for a hearing on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ that is scheduled for the following purpose(s):  
\_\_\_\_\_.

I am willing to waive my appearance in the courtroom for said hearing and consent to said hearing being conducted by two-way simultaneous audio-visual communication.

If I have counsel, I understand that my counsel will be available via live video camera and that I will have the opportunity to talk to my counsel privately with no one else hearing the conversation.

I understand that I will be sitting in front of a video camera and that the participants who are assembled in the courtroom can see and hear me and I can see and hear them.

The Judge will be able to see me and speak to me, and I will be able to see and speak to the Judge. I understand that the courtroom is open to the public and that members of the public who are interested in my hearing will be able to see and hear the proceedings in the courtroom.

I understand that by signing this waiver I will not be transferred to the courtroom for this hearing and that the hearing will be done by two-way simultaneous audio-visual communication.

Date: \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Defendant or Counsel of Record

**Rule Crim.P.L120. Attorneys—Appearances and Withdrawals.**

(a) Counsel representing a defendant shall file a written appearance in all cases in the office of the Clerk of Courts at or before the time of arraignment. A written appearance shall be filed as soon as possible if employment follows arraignment. A copy of any such written appearance shall be forwarded to the District Attorney's office as required by these rules.

(b) The signing of a Criminal Case Scheduling Form (Form L502) or waiver of arraignment by defense counsel or representative or the endorsement of an information or appointment pursuant to Pa.R.Crim.P. 122 shall constitute a written appearance.

**Rule Crim.P.L124. In Forma Pauperis.**

(a) A defendant who is without financial resources to pay the costs of litigation is entitled to proceed in forma pauperis.

(b) The defendant shall file a petition and affidavit in a form substantially consistent with Form L124(b) of these rules.

(c) If the party is represented by an attorney other than the Public Defender or Court Appointed Counsel, the Clerk of Courts shall allow the party to proceed in forma pauperis upon the filing of a praecipe which contains a certification by the attorney that he or she is providing free legal service to the party and believes the party is unable to pay the costs. The praecipe shall be in a form substantially consistent with Form L124(c) of these rules.

(d) A defendant permitted to proceed in forma pauperis has a continuing obligation to inform the court of improvement in his/her financial circumstances which will enable the defendant to pay costs.

(e) A defendant permitted to proceed in forma pauperis shall not be required to pay any cost or fee imposed or authorized by Act of Assembly or general rule which is payable to the Court or Clerk of Courts.

THE COURTS

Form L124(b)

TO ALL POTENTIAL CLIENTS

IN ORDER TO HAVE YOUR APPLICATION REVIEWED FOR ELIGIBILITY, IT IS YOUR RESPONSIBILITY TO DO THE FOLLOWING:

- 1. The application must be completed in full. The application will be returned if any question is unanswered. If a question does not apply to you or your circumstances, then answer the question with N/A.
2. Total household income is considered, due to the Federal Poverty Guidelines that this office follows. Therefore, you must provide proof of income for each member at the time we receive your application.
3. Any paperwork you received concerning the charges filed against you must also accompany the completed application.
4. Application must be received by this office at least five (5) days prior to representation at hearing.

WHEN YOU ARE A CLIENT OF ONE OF THE PUBLIC DEFENDERS, IT IS YOUR RESPONSIBILITY TO DO THE FOLLOWING:

- 1. Keep us informed at all times of your current address. If you move, notify us immediately by calling (814) \_\_\_\_\_ for Forest County or (814) \_\_\_\_\_ for Warren County.
2. Keep us informed at all times of your telephone number or a telephone number of a person who will take messages and promptly relay them to you.
3. Keep your appointments as scheduled on the Case-Tracking sheet you receive the day of Central Court, unless told otherwise by your attorney. If you look at your tracking sheet and are not sure if you are to come or not, call (814) \_\_\_\_\_ for Forest County or (814) \_\_\_\_\_ for Warren County and the administrative assistant will check your file and confirm the date(s) you are to be here.

APPLICATION FOR A PUBLIC DEFENDER

REQUIRED: In which county have charges been filed against you? CIRCLE the county. (Failure to circle a county will delay the processing of your application and may result in your application being returned to you.)

FOREST

WARREN

WARNING: The making of any false statements or the inclusion of any false information herein will subject you to an arrest and prosecution for the crime of perjury, a felony offense, which is punishable by fine not to exceed \$15,000 or undergo an imprisonment not exceeding seven (7) years or both, and you shall, except as otherwise provided by law, be forever disqualified from being a witness in any matter in controversy.

Name: \_\_\_\_\_ Alias: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone/Message Number: \_\_\_\_\_

Sex: Male/Female Social Security #: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Driver's License #: \_\_\_\_\_ State: \_\_\_\_\_

CDL? \_\_\_\_\_ Under Suspension? \_\_\_\_\_ If so, when? \_\_\_\_\_

Charges: \_\_\_\_\_

Date and place alleged crime took place: \_\_\_\_\_

\*ATTACH A COPY OF THE CRIMINAL COMPLAINT\*

List any co-defendants: \_\_\_\_\_

District Judge (Magistrate): \_\_\_\_\_

Next Court Proceeding (Circle one.): Preliminary Hearing, Arraignment, Other \_\_\_\_\_

Location: \_\_\_\_\_ Date and Time: \_\_\_\_\_

Bail Amount: \_\_\_\_\_ Paid by: \_\_\_\_\_

Police Agency: \_\_\_\_\_ Arresting Officer: \_\_\_\_\_

Are you a US Citizen? \_\_\_\_\_ If Not, Immigration Status: \_\_\_\_\_

Are you a US Veteran? \_\_\_\_\_

Have you ever been convicted of a crime in the past? If yes, please list charge(s), date of offense(s), location(s), outcome(s), and attorney(s) who represented you:

Table with 5 columns: CHARGE, DATE, LOCATION, OUTCOME, ATTORNEY

CHARGE	DATE	LOCATION	OUTCOME	ATTORNEY

Are you able to hire counsel to defend yourself in this matter? \_\_\_\_\_

If no, please explain: \_\_\_\_\_

Single \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Widowed \_\_\_\_\_ Separated \_\_\_\_\_

If separated/divorced, when did you last live with your spouse? \_\_\_\_\_

If married, does your spouse work? \_\_\_\_\_ If yes, list name, address and phone number of employer: \_\_\_\_\_

HOUSEHOLD: List all who reside in your household.

NAME	RELATIONSHIP	AGE

If your child/children are not residing with you and you are paying child support, list name(s), age(s) and amount of support paid:

CHILD'S NAME	AGE	AMOUNT

INCOME: Indicate amount or N/A for each category. VERIFICATION MUST be attached for each amount.

MONTHLY INCOME	MINE	SPOUSE	OTHER
Employment (GROSS EARNINGS)	\$	\$	\$
Unemployment	\$	\$	\$
Disability	\$	\$	\$
Child Support	\$	\$	\$
Welfare	\$	\$	\$
Social Security	\$	\$	\$
Alimony	\$	\$	\$
Pension	\$	\$	\$
Food Stamps	\$	\$	\$
Other	\$	\$	\$

Are you currently working now? \_\_\_\_\_

If yes, list the name, address and phone number of employer along with the GROSS earnings per month. \_\_\_\_\_

Amount of your GROSS income in the past 12 months: \_\_\_\_\_

If you have no income, please explain how you live (food, housing, etc.). \_\_\_\_\_

ASSETS: State current balance or value and attach verification of all account balances.

ASSET	MINE	SPOUSE
Checking Account	\$	\$
Savings Account	\$	\$
On Your Person	\$	\$
At Home	\$	\$
Jail Account	\$	\$
Stocks/Bonds	\$	\$
Real Estate	\$	\$
Vehicle	\$	\$
Boat	\$	\$

ASSET	MINE	SPOUSE
Motorcycle	\$	\$
Other	\$	\$

If you own real estate, list location and value. \_\_\_\_\_

If you own other property, list location and value. \_\_\_\_\_

Do you have other assets? \_\_\_\_\_ If yes, list description and value of asset(s). \_\_\_\_\_

Please list any medical conditions or medications that may impair your ability to prepare and assist in your defense \_\_\_\_\_

Can you read and write the English language? \_\_\_\_\_ Yes \_\_\_\_\_ No

Were Miranda Rights given by arresting officer? \_\_\_\_\_ Yes \_\_\_\_\_ No

Statement(s) made by you concerning charges: \_\_\_\_\_ Oral \_\_\_\_\_ Written

When, where and to whom given? \_\_\_\_\_

Contents of Statement(s): \_\_\_\_\_

Short statement about your position regarding the charges: \_\_\_\_\_

WITNESSES: List names, addresses/phone numbers and information they have.

NAME	ADDRESS / PHONE NUMBER	INFORMATION

All above is true and correct: \_\_\_\_\_

(Signature of Applicant)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_

vs

I, \_\_\_\_\_, being duly sworn according to law, upon his/her oath disposes and says:  
(Name of Applicant)

1. I am the defendant in the above captioned action.

2. I have read the foregoing application and know the contents thereof and the same are true to my own knowledge, except as to matters therein stated to be alleged as to persons other than myself, and to those matter, I believe them to be true and correct.

3. This affidavit is made to inform the Courts as to my status and to induce the Courts to assign counsel to me as an indigent defendant to defend against the criminal charges that have been made against me.

4. I understand the information on this application is not confidential and may be disclosed to the Judge, Probation Officer, or the Public Defender in order to determine my right to be represented by the Public Defender.

5. I acknowledge the responsibilities in the cover letter and will abide by them.

6. I understand that the Forest County Public Defender's Office or the Warren County Public Defender's Office is only representing my interests in regard to pending criminal matters with reference to this specific application.

7. In making this affidavit, I am aware that Perjury is a Felony and the punishment is a fine of not more than \$15,000 or imprisonment for not more than seven (7) years or both.

Date: \_\_\_\_\_

(Signature of Applicant)

IMPORTANT

Any person who provides any false information on purpose when he/she completes this form may be subject to criminal prosecution and may face criminal penalties including conviction of a misdemeanor.

**Rule Crim.PL320. Expungement upon Successful Completion of ARD Program.**

Upon successful completion of the Accelerated Rehabilitative Disposition Program, the defendant may move the court for an order dismissing the charges and expungement pursuant to Pa.R.Crim.P. 319 and 320.

**Rule Crim.PL490. Expungement of Non-ARD Summary Cases.**

Expungement of Non-ARD Summary Cases shall be completed pursuant to Pa.R.Crim.P. 490.

**Rule Crim.PL502. Instituting Proceedings in Court Cases; Warren County.**

(a) Annually, no later than October 30th, the Court Administrator shall publish a schedule for the succeeding year setting forth the following pertinent dates for each case with the appropriate schedule for each case to be set in motion by the date the defendant either waives his or her preliminary hearing or is bound over following that preliminary hearing:

- (1) The date of the court arraignment which shall be the first available arraignment date at least twenty (20) days after the preliminary hearing is held or waived;
- (2) The date for the pretrial settlement conference as required by 37.R.Crim.PL570 which shall be no later than forty-five (45) days after court arraignment;
- (3) The date for Criminal Calendar Call, which shall follow the settlement conference and precede jury selection; and
- (4) The day of jury selection.

(b) The Court Administrator shall immediately, after publishing said schedule, provide copies to each sitting Magisterial District Judge, the District Attorney's office, the Public Defender's office, and each member of the county criminal defense bar known to the Court Administrator. Copies shall also be available free of charge at all times in the Court Administrator's office and the Clerk of Courts' office.

(c) At the time defendant is bound over to Court or waives his or her preliminary hearing, the District Attorney shall complete a Criminal Case Scheduling Form with an original and five copies substantially consistent with Form L502.

(d) Once the Criminal Case Scheduling Form has been completed, the defendant shall be provided with a copy and the District Attorney shall retain a copy. If the defendant's attorney is present, a copy shall be provided to the defendant's attorney.

All undistributed copies, together with the original Criminal Case Scheduling Form, shall be attached to the official record when it is forwarded to the Clerk of Courts as required by Pa.R.Crim.P. 547 and shall be distributed by the Clerk of Courts.

**Form L502**  
**IN THE COURT OF COMMON PLEAS**  
**OF THE 37TH JUDICIAL DISTRICT OF**  
**PENNSYLVANIA**  
**WARREN COUNTY BRANCH**  
**CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA

VS. No. OTN No.

Defendant

**CRIMINAL CASE SCHEDULING FORM**

Charges: \_\_\_\_\_

Date Complaint filed: \_\_\_\_\_

Defense counsel: \_\_\_\_\_

Date of Preliminary hearing/waiver \_\_\_\_\_

**IMPORTANT NOTICE**

You and your attorney and/or attorney's representative are required to appear for the following proceedings. These dates may not be changed without leave of Court.

1. Arraignment: \_\_\_\_\_, in the Main Courtroom, Warren County Courthouse, Warren, PA. Arraignment may be waived but only if you have an attorney prior to your arraignment date.

2. Settlement Conference: \_\_\_\_\_, in the (Main)(Justice Robert H. Jackson) Courtroom, Warren County Courthouse, Warren, PA.

3. Criminal Calendar Call: \_\_\_\_\_, in the Main Courtroom, Warren County Courthouse, Warren, PA.

4. Jury Selection: \_\_\_\_\_, in the Main Courtroom, Warren County Courthouse, Warren, PA.

FAILURE TO APPEAR ON ANY OF THE ABOVE DAYS MAY RESULT IN FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST AS WELL AS ADDITIONAL CHARGES OF DEFAULT IN REQUIRED APPEARANCE.

CAUTION: CRIMINAL CALENDAR CALL WILL BE THE LAST DAY YOU WILL BE PERMITTED TO ENTER A GUILTY PLEA AS A RESULT OF A PLEA BARGAIN. AFTER THIS DATE, YOU MUST EITHER GO TO TRIAL OR PLEAD AS CHARGED.

The undersigned hereby acknowledges receipt of a copy of this notice.

Date: \_\_\_\_\_ Signature of Defendant

Original: Clerk of Courts  
Copies: Ct. Administrator \_\_\_\_\_  
District Attorney \_\_\_\_\_ Signature of Counsel  
Defense Counsel \_\_\_\_\_  
Defendant \_\_\_\_\_ Signature of District Attorney

**Rule Crim.PL510. Contents of Summons; Notice of Preliminary Hearing.**

In all summary cases where there is a likelihood of incarceration and in all court cases where a criminal action is commenced by summons, the Issuing Authority shall mail with the summons a notice substantially consistent with Form L510.



**Form L510**  
**IMPORTANT NOTICES**  
**RIGHT TO COUNSEL, BAIL, MANDATORY**  
**APPEARANCE, AND AMERICANS WITH**  
**DISABILITIES ACT OF 1990**

You have the absolute right to be represented by a lawyer. If you cannot afford a lawyer, one will be appointed to represent you free of charge. In order to have a lawyer by the time of the preliminary hearing, you should immediately:

1. Hire a lawyer; or
2. If you believe you cannot afford to hire a lawyer, you should immediately apply to the Public Defender's office, where a lawyer may be appointed to represent you free of charge if you qualify.

Warren County Public Defender Warren County Courthouse 204 Fourth Avenue Warren, PA 16365	Forest County Public Defender Forest County Courthouse 526 Elm Street Tionesta, PA 16353
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If you are currently incarcerated and unable to contact the Public Defender's office, you should immediately request an application from the jail officials to apply for the services of a Public Defender.

Bail will be set at the preliminary hearing.

Notice:

If you fail to appear on the date and at the time and place specified on the summons, the case will proceed in your absence, and a bench warrant will be issued for your arrest.

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**Rule Crim.P.L540. Preliminary Arraignment.**

In all cases in which a defendant does not appear with an attorney, in addition to the Issuing Authority verbally advising the defendant as set forth in Pa.R.Crim.P.540(E), the Issuing Authority shall provide to the defendant at his/her preliminary arraignment a written notice in a form substantially consistent with Form L510, even if the defendant has previously received the same notice pursuant to 37.R.Crim.P.L510.

**Rule Crim.P.L541. Waiver of Preliminary Hearing.**

If a Magisterial District Judge accepts the waiver of a preliminary hearing pursuant to Pa.R.Crim.P.541, the District Attorney shall schedule a court arraignment and complete a Criminal Case Scheduling Form in a form substantially consistent with Form L502 notifying the defendant of the date and place of his/her arraignment as well as any future, important dates and places in compliance with 37.R.Crim.P.L502.

**Rule Crim.P.L543. Disposition of Case at Preliminary Hearing.**

If the Magisterial District Judge, after completion of the preliminary hearing held pursuant to Pa.R.Crim.P.542, binds the case over to court, the District

Attorney shall schedule a court arraignment and complete a Criminal Case Scheduling Form in a form substantially consistent with Form L502, so the defendant is notified of the date and place of the arraignment as well as future, important dates and places in compliance with 37.R.Crim.P.L502.

**Rule Crim.P.L570. Pretrial Settlement Conference; Warren County.**

(a) Based on a schedule published by the Court Administrator each year, no later than October 30th for the succeeding year, at the time a defendant either waives his/her preliminary hearing or is bound over following a preliminary hearing, he/she will be given a specific date for a settlement conference which date shall be no later than forty-five (45) days after the formal arraignment required by 37.R.Crim.P.L571. Each settlement conference shall be held in the designated Courtroom at a time established in the Court Calendar. Defense counsel and each defendant shall attend the settlement conference unless the District Attorney has previously excused the defendant or the defendant has previously entered a plea of guilty or nolo contendere, a plea date is already scheduled, the matter is being considered for ARD disposition, or the matter has been resolved in some other manner.

(b) Defense counsel and the defendant shall assemble in the designated Courtroom or such other location designated by the Court. The District Attorney shall have a representative available with authority to take a position on behalf of the Commonwealth on each case.

(c) The District Attorney or his/her representative and defense counsel shall meet to discuss each case, and at the discretion of counsel, the defendant may participate in all or part of those discussions. The defendant shall remain available at the Courthouse until the defendant's conference has concluded.

**Rule Crim.P.L571. Arraignment.**

(a) *Arraignment.*

(1) Arraignment shall take place in open court at such time as designated by the Court Administrator as required by these rules.

(2) If a defendant wishes to plead not guilty, said plea shall be noted on the information and signed by the defendant. If the defendant wishes to plead guilty or nolo contendere, the Court shall conduct a colloquy on the record prior to accepting a plea of guilty or nolo contendere. The defendant shall be advised that he or she will not be required to attend calendar call or jury selection unless the plea is not entered or is refused by the Court in which case the defendant will be required to follow the original schedule provided to him or her on the Criminal Case Scheduling Form.

(b) *Waiver of Arraignment.*

(1) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a Waiver of Arraignment Form in the Clerk of Courts' office substantially similar to Form L571. A copy of the waiver shall be served upon the District Attorney pursuant to 37.R.Crim.P. L576.



(2) If a written Waiver of Arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pre-trial motions and requests pursuant to Pa.R.Crim.P.567, 568, 572, 573, 578 and 579 and for the purpose of scheduling further dates pursuant to these rules.

**Form L571  
IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
COUNTY BRANCH  
CRIMINAL**

COMMONWEALTH OF  
PENNSYLVANIA

VS.

No.  
OTN No.

\_\_\_\_\_  
Defendant

**WAIVER OF FORMAL ARRAIGNMENT AT  
COMMON PLEAS COURT LEVEL**

I, the undersigned counsel, do hereby appear on the Defendant's behalf and do waive the arraignment provided for in Pa.R.Crim.P. 571.

I, the undersigned Defendant, understand that:

1. The information containing the charges against me will be filed in the office of the Clerk of Courts and a copy will be mailed to my attorney and to me.

\_\_\_\_\_  
[Defendant's initials]

2. Any discovery must be concluded fourteen (14) days after the stated arraignment date.

\_\_\_\_\_  
[Defendant's initials]

3. I must file a Request for a Bill of Particulars in writing within seven (7) days after the stated arraignment date.

\_\_\_\_\_  
[Defendant's initials]

4. If I intend to offer the defense of alibi, insanity or mental infirmity, I must notify the attorney for the Commonwealth in writing within thirty (30) days after the stated arraignment date.

\_\_\_\_\_  
[Defendant's initials]

5. I must file all pre-trial motions for relief on or before thirty (30) days from the stated arraignment date.

\_\_\_\_\_  
[Defendant's initials]

6. If I fail to file any motions for discovery or pre-trial relief within the prescribed time limits, it shall be considered a waiver of my right to file such motions.

\_\_\_\_\_  
[Defendant's initials]

7. I must give the Court notice no later than the time set for the call of the trial list in my case [which date has been provided to me on the Criminal Case Scheduling Form I have received] if I desire to have my case tried before a jury without a jury.

\_\_\_\_\_  
[Defendant's initials]

8. If I want to enter a guilty or no contest plea in this case as a result of a plea bargain, I must do so no later than the date set for criminal calendar call.

\_\_\_\_\_  
[Defendant's initials]

Date: \_\_\_\_\_  
Signature of Defendant

Original: Clerk of Courts  
Copies: Ct. Administrator  
District Attorney  
Defense Counsel  
Defendant  
Signature of Counsel

**Rule Crim.P.L575. Motions and Answers.**

(a) *Uncontested Motions.* An uncontested motion shall include a statement that all parties or their counsel of record have consented to the motion or that the only relief sought by the motion is a hearing or argument date.

(b) *Contested Motions.* A contested motion shall include a statement that one or more parties or their counsel of record contest the motion or that the motion seeks relief other than a hearing or argument date.

**Rule Crim.P.L576. Filing and Service by Parties.**

(a) *Filing.* The moving party shall file its motion, whether uncontested, contested or self-represented litigant, with the Clerk of Courts in the manner proscribed by Pa.R.Crim.P. 576(A).

(b) *Service.* Concurrently with filing, the moving party shall serve upon the opposing party or his/her counsel of record a copy of the motion. Thereafter, the moving party shall file a certificate of service in substantially the same form as that set forth in the Comment to Pa.R.Crim.P. 576.

(c) *Self-Represented Litigant Motions.* All self-represented litigant motions shall be filed with the Clerk of Courts. If an individual has counsel, the Clerk of Courts shall forward a copy of the motion to counsel of record. If a motion does not comply with the law or rules of court, the Clerk of Courts shall docket the motion, note the deficiency and forward the motion to the office of the Court Administrator. Thereafter, the Court Administrator shall confer with the Court and promptly notify the individual of the deficiency.

**Rule Crim.P.L579. Time for Omnibus Pretrial Motion and Service.**

Except as otherwise provided in these rules, an omnibus pretrial motion for relief shall be filed and served within thirty (30) days after arraignment, unless opportunity therefor did not exist or the defendant, defense counsel, or the attorney for the Commonwealth was not aware of the grounds for the motion or the time for filing has been extended by the Court for cause shown.

**Rule Crim.P.L590. Pleas and Plea Agreements.**

(a) The Court will be available for the purpose of taking guilty or nolo contendere pleas from time-to-time as designated by the Court Administrator, which dates shall always include each afternoon when settlement conferences are held and immediately after the call of each criminal trial list.

(b) After pleas are taken following the call of the trial list, the Court will not accept any plea for a case on that criminal list unless said plea is a straight plea as charged and in no way is a negotiated plea even for the purposes of a sentencing recommendation by the District Attorney.

(c) The Court may waive this prohibition against late plea agreements only if both parties agree and have shown good cause for doing so to the Court. In the event the Court does find good cause shown and agrees to take the negotiated plea, such plea may be taken at that time

or the case may be continued by the Court for the plea to be taken at another date as the Court may direct.

**Rule Crim.P.L600. Criminal Trial; Calendar Call.**

(a) The call of the criminal trial list for a particular criminal term of Court shall be held by the Court prior to the first day of the criminal term of Court as set forth on the schedule prepared by the Court Administrator pursuant to 37.R.Crim.P.L502(a).

(b) All defendants on the call of the list and their attorneys shall attend the criminal calendar call unless the Court has excused a defendant and/or counsel based upon good cause shown.

**Rule Crim.P.L602. Presence of the Defendant; Transportation for Court Proceedings.**

(a) For incarcerated defendants, transportation orders must be obtained from the Court and served upon the Sheriff at least seven (7) days prior to the time he/she is to appear if he/she is incarcerated in an out-of-county facility.

(b) The responsibility for obtaining a transportation order shall be on:

(1) The District Attorney, if the defendant is required to appear at trial or at a hearing set upon motion of the District Attorney or if the defendant is unrepresented by counsel or is proceeding as a self-represented litigant; or

(2) Defense counsel, if the defendant is required for a hearing set upon motion of the defendant.

(c) If the location of the defendant cannot reasonably be determined by defense counsel, such information may be sought from the District Attorney's office and shall be reasonably provided to the defendant's counsel.

**Rule Crim.P.L642. Contact with Jurors.**

Before or during the trial of a case, no attorney, party or witness shall communicate or cause another to communicate with any member of the jury or anyone known to be a member of the venire from which the jury is selected for the trial of a case.

**Rule Crim.P.L700. Sentencing Judge.**

A sentence on a plea of guilty or nolo contendere may be imposed by a judge other than the judge who received the plea, if the defendant has been notified of the possibility at the time of entering the plea.

*Comment:* This rule is not intended to proscribe sentencing by a judge who did not receive the plea when there are extraordinary circumstances which preclude the presence of that judge.

**Rule Crim.P.L705. Imposition of Sentence; Probation/Parole and Intermediate Punishment.**

(a) *Probation/Parole General Rules and Regulations.* The Court, whenever sentencing a defendant to probation or granting parole, shall state in its order that the general rules, regulations and conditions governing probation and parole in Forest and Warren Counties shall be applicable and all of the following shall apply unless specifically deleted by the Court in its order or in a subsequent order:

1. The defendant will be in the legal custody of the Court until the expiration of his/her probation/parole or by further order of Court, and the Probation/Parole Officer has the power any time during this period, in case of violation by the defendant of any of the conditions of his/her probation/parole, to detain the defendant in a county prison and make a recommendation to the Court,

which may result in the revocation of probation/parole and commitment to a penal or correctional institution for service of the sentence.

2. The defendant will report regularly to the Probation/Parole Department in person or in writing and reply to any communication from the Court or the Probation/Parole Department.

3. The defendant will live at an address provided to the Probation/Parole Department and may not change that residence without prior permission from that department.

4. The defendant will not travel outside of Pennsylvania or the community to which he/she has been paroled or placed on probation as defined by his/her Probation/Parole Officer without prior permission.

5. The defendant will comply with all municipal, county, state and federal criminal laws and abide by any written instructions of his/her Probation/Parole Officer. The defendant will immediately notify his/her Probation/Parole Officer of any arrest or investigation by law enforcement agencies. The defendant will advise any investigating police officer that he/she is on Probation, Parole or Intermediate Punishment Supervision with the Probation Office.

6. If the defendant is not employed, he/she will make every effort to obtain and maintain employment and support any dependents he/she has. The defendant will obtain written permission prior to changing employment. If the defendant loses his/her job, he/she will immediately notify his/her Probation/Parole Officer and cooperate in any effort he/she may make to obtain employment for the defendant. Job hopping is strictly forbidden.

7. The defendant shall abstain completely from the use and possession of illegal controlled substances and drug Paraphernalia. The defendant shall not abuse over the counter or prescribed medications or any other substance that impairs the functioning of the human body. The defendant will not abuse any prescription or over the counter substances, and will submit to any available testing of blood, breath or urine to determine the use of illegal substances or alcoholic beverages.

8. The defendant shall not possess or have access to any firearms or any other dangerous weapons.

9. The defendant will not consume, transport, or possess any alcoholic beverages. You will not enter any establishment or place which serves or dispenses alcoholic beverages, nor will you have any such beverages in your residence.

10. All fines, costs and restitution imposed upon the defendant by the Court must be paid immediately or in accordance with any schedule set up by the Court or the Probation/Parole Department before the defendant will be released from probation/parole.

11. The defendant will attend any therapeutic program offered by a recognized agency when directed to do so by his/her Probation/Parole Officer.

12. The Probation/Parole Department may place the defendant in the electronic monitoring/house arrest program at its discretion if there is a violation of any conditions of probation/parole. The defendant will be responsible to pay the costs of the program if placed in it.

13. The defendant will not annoy or harass any victim of his/her crime or any witnesses and shall not procure anyone else to do so.

14. If the defendant believes that his/her rights have been violated as a result of Probation/Parole supervision,

the defendant may submit a timely complaint in writing, first to the Chief Probation/Parole Officer and then to the Judge at the Forest/Warren County Courthouse in Tionesta/Warren, Pennsylvania, if the matter is not satisfactorily resolved.

15. The defendant shall obey the law and be of good behavior generally.

16. The defendant shall submit to random and periodic testing to determine the use and presence of any illegal substances and/or alcoholic beverages.

17. The defendant shall report to the Forest/Warren County Probation/Parole Department within twenty-four (24) hours after being released from any institution.

18. The defendant shall comply with any curfew imposed by the Probation/Parole Department.

19. The defendant shall always be truthful and accurate in any written or oral statements the defendant makes to a Probation/Parole Officer or member of the staff of the Probation/Parole Department.

20. The defendant shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.

21. Pursuant to 42 Pa.C.S.A. § 9912, the defendant shall be subject to and agree to the warrantless search of defendant's person, property, vehicle or residence and the seizure and appropriate disposal of any contraband found, if it is reasonably suspected that defendant is in violation of probation/parole.

(b) *Intermediate Punishment General Rules and Regulations.* All of the general rules and regulations for probation/parole established in 37.R.Crim.P.L708(a) shall apply to Intermediate Punishment Supervision. The following additional rules and regulations shall also apply to Intermediate Punishment Supervision:

1. The defendant shall abide by all of the rules and conditions of the Warren County Prison while serving the Jail/Work Release portion of the Intermediate Punishment sentence.

2. The defendant shall remain in his/her established place of residence at all times during the House Arrest/Electronic Monitoring portion of the sentence, unless a leave is approved by the Probation/Parole Department.

3. The defendant shall maintain telephone and electric service throughout the House Arrest/Electronic Monitoring portion of the Intermediate Punishment Sentence.

Offenders under supervision for sexually related offense shall abide by the additional special conditions for sexual offenders listed below.

1. The offender shall attend, cooperate with and participate in a meaningful way with sexual offender counseling. The defendant shall abide by the program rules and conditions.

2. The defendant shall not possess pornographic material in any media (books, internet downloads, VHS tapes, DVD's).

3. The defendant shall not have access to the internet unless granted written permission by his supervising officer after proper monitoring and filtering software are installed on any computer the offender is to use. The defendant will allow access regularly to all electronic communication devices within the defendant's control to determine if they are being used illegally.

4. The monitoring and filtering software must be under the control of someone other than the offender.

5. The offender shall have no contact with the victims of his offense. The offender shall be subject to the standard rules and conditions under Local Rule 705 of the 37th Judicial District.

6. The defendant shall have no unsupervised contact with juveniles without the written consent of the Probation Officer.

7. The defendant must disclose information about his or her conviction(s) to potential adult sexual partners before beginning sexual relationships. They also must inform their Probation Officer of romantic relationships so they can ensure no potential child victims are accessible.

8. Offenders cannot patronize any establishment in the sex industry.

#### **Rule Crim.P.L708. Violation of Probation/Parole or Intermediate Punishment.**

(a) *Arrest and Processing of Probation/Parole Violators.* When a duly appointed adult probation/parole officer has conducted an investigation which reveals that a violation of supervision has been committed by the defendant, the officer shall request a supervisor to issue a "Supervisor's Warrant" for the arrest and detention of the defendant. The defendant shall be arrested upon issuance of the warrant by any peace officer in the Commonwealth authorized to make arrests, or in the case of a defendant who has absconded the Commonwealth, the warrant shall be submitted to the proper police agency for processing as per normal procedure. Following arrest, the filing officer shall request a Gagnon I hearing before the court-designated hearing officer, which will be held within ten (10) court business days. The procedure set forth in 37.R.Crim.P. L708(b) shall then be followed.

Should the filing officer determine that a supervisor's warrant is not needed, a Gagnon I hearing will be scheduled as soon as possible following discovery of the violation(s), and the procedure set forth in 37.R.Crim.P. L708(d) will continue as stated. Notice of the Gagnon I hearing, in this instance, shall be served upon the defendant by the filing officer, and a Gagnon I hearing would then be scheduled at the convenience of the hearing officer.

(b) *Violation of Probation/Parole: Hearing and Disposition.* When it is alleged that a defendant is in violation of his/her probation/parole, a Gagnon I hearing shall be held before a member of the Adult Probation/Parole Department staff designated for that purpose by the President Judge. This hearing will be held within ten (10) court business days if the defendant is incarcerated as a result of the violation(s). That designated hearing officer shall be responsible for advising the defendant of all information required at a Gagnon I hearing. Should the hearing officer, at the Gagnon I hearing find that a prima facie case exists, the following procedure shall be followed. Should a determination be made by the hearing officer at the Gagnon I hearing, that the defendant should be returned to continued supervision at liberty, the defendant shall be released from custody, if incarcerated, and continue on probation/parole.

A Gagnon II hearing, whether it be with regard to a contested violation, alleged violations or merely for the purpose of disposition or for both purposes, shall be scheduled promptly, but no later than one hundred twenty (120) days after the Gagnon I hearing. This shall be done by the hearing officer filing a motion with the Court Administrator requesting that a Gagnon II hearing be scheduled and advising in that motion as to when the Gagnon I hearing was completed. That motion shall also indicate whether the allegations are contested or whether the Gagnon II hearing will be for disposition purposes only. The hearing officer shall serve a copy of the motion upon the District Attorney's office. The defendant shall be afforded the right to representation by an attorney of

choice or, upon his/her application, by the appointment of the Public Defender for the Gagnon II hearing.

(c) *Violation of Intermediate Punishment: Hearing and Disposition.* The procedure for hearing and disposition established under 37.R.Crim.P.L708(b) shall also apply to violations of Intermediate Punishment Supervision.

**Rule Crim.P.L790. Expungement of Non-ARD Court Cases.**

Expungement of Non-ARD Court Cases shall be completed pursuant to Pa.R.Crim.P. 790.

[Pa.B. Doc. No. 13-2365. Filed for public inspection December 20, 2013, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF DENTISTRY [ 49 PA. CODE CH. 33 ]

#### Fees

The State Board of Dentistry (Board) amends §§ 33.3 and 33.339 (relating to fees; and fees for issuance of permits).

#### *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. While the increased application fees will be implemented immediately thereafter, it is anticipated that the increased biennial renewal fees will be implemented with the March 31, 2015, biennial renewal.

#### *Statutory Authority*

Section 4(a) and (b) of The Dental Law (act) (63 P. S. § 123(a) and (b)) provides that fees shall be fixed by the Board by regulation and require the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

#### *Background and Need for Amendment*

Under section 4(b) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

At the December 16, 2011, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Year (FY) 2009-2010 and FY 2010-2011, and projected revenue and expenses through FY 2014-2015. At the current fee levels, the Board receives revenue of approximately \$3,231,560 over a 2-year period, while budgeted expenditures for FYs 2012-2013 and 2013-2014 were projected to be approximately \$3.512 million, a deficit of \$280,440. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures, in compliance with section 4(b) of the act. The Board looked at a number of scenarios and, as a result, the Board voted at its July 27, 2012, meeting to increase the various application fees to more realistically cover the costs associated with processing applications and to be consistent with other states and also approved a modest 5% increase in biennial renewal fees.

#### *Summary of Comments and the Board's Response*

The Board published a proposed rulemaking at 43 Pa.B. 1857 (April 6, 2013) with a 30-day public comment period. Public comments were not received by the Board. On May 24, 2013, the House Professional Licensure Committee (HPLC) sent a request for information per-

taining to the major cost centers of the Board and any significant increases in its expenditures. On June 5, 2013, the Independent Regulatory Review Commission (IRRC) sent a letter to the Board indicating that it would review the Board's response to the HPLC's comment as part of IRRC's determination of whether this final-form rulemaking is in the public interest.

The major cost centers of the Board are as follows: Board administration, legal office and hearing expenses; enforcement and investigation; and the Professional Health Monitoring Program. These five areas comprise 90% of the Board's budget. Since the last fee increase in 2005, Board administration has actually gone down from \$359,736.39 in FY 2006-2007 to \$307,497.23 in FY 2011-2012. However, the Board is currently staffed below its full complement, with vacancies that are expected to be filled in the near future, so this cost center is expected to return to at least \$360,000 for FY 2013-2014. Professional Health Monitoring Program costs incurred by the Board have steadily increased since 2005, from \$27,574.96 in FY 2006-2007 to \$64,640.52 in FY 2011-2012. These costs depend entirely upon how many individuals either voluntarily enter the impaired professionals program or are ordered to participate in the program by the Board as a result of a disciplinary matter. With regard to the Voluntary Recovery Program, the Board had 20 new participants enter the program during those years (ranging from a high of 7 entering in FY 2007-2008 to a low of 1 entrant in FY 2008-2009). With regard to the Disciplinary Monitoring Unit, approximately 23 individuals were ordered to participate in the program during those years (ranging from 2 to 7 in a given year). Once in the program, a participant must have 3 years of continuous, sustained recovery to complete the program and return to unmonitored practice.

Enforcement and investigation costs have increased from \$456,871.30 in FY 2006-2007 to \$659,488.98 in FY 2011-2012. Legal office expenses have likewise risen from \$300,247.67 in FY 2006-2007 to \$462,385.17 in FY 2011-2012. Hearing expenses have fluctuated dramatically from year to year, ranging from a low of \$48,018.13 during FY 2008-2009 to a high of \$119,908.23 in FY 2011-2012, with an average of approximately \$77,500. These costs are dependent upon the number of complaints filed, the number of those complaints that merit investigation and the number of investigations that result in prosecutions. They also depend to a degree on the number of matters that are resolved through consent agreements and those that require hearings to be conducted. The complexity and seriousness of the matters also affect the costs. Serious standard of care related matters require expert review, which drives costs up. The Board averages approximately 450 new complaints filed against its licensees each year. Each complaint is reviewed or investigated to determine if a violation of the act or regulations has occurred. The legal office then prosecutes those matters when a violation is alleged. The Board incurs hearing expenses for each matter actually prosecuted, and the Board incurs additional legal costs defending any appeals. Ultimately, the number of complaints and disciplinary actions drive the bulk of the Board's costs, and the Board does not have control over the number of complaints filed against its licensees or the number of disciplinary actions brought by the Commonwealth.

Because it has been a year since the Board last considered the fee increase, and to fully inform its

deliberations regarding the final-form rulemaking, the Board asked the BFO for an updated financial picture. The Board again reviewed its financial condition at its meeting on July 19, 2013, and the situation has not changed dramatically. One notable change is that the renewable license count has dropped slightly from 25,852 last year to 25,227 this year, which affects the amount of revenue that will be generated from the fee increase. However, this drop is not significant enough to require a larger increase at this time. Without the increase, the Board anticipates that its deficits will continue to mount. For that reason, the Board voted at its July 19, 2013, meeting to promulgate the final-form rulemaking as proposed.

Specifically, the application fees for initial licensure as a dentist will increase to \$200. For dental hygienists and expanded function dental assistants, the application fees will increase to \$75. In addition, the application fee for dental radiology authorization will increase to \$75, as will the notification application for postgraduate trainees and faculty members. These application fee increases will be implemented upon publication of the final-form rulemaking. Biennial renewal fees for dentists will increase to \$263, for dental hygienists to \$42 and for expanded function dental assistants to \$26. Biennial renewal fees for public health dental hygiene practitioners will likewise increase to \$42, as will the biennial renewal fee for local anesthesia permits for dental hygienists. Finally, the biennial renewal fee for unrestricted and Restricted I anesthesia permits will increase to \$210 and for Restricted II anesthesia permits to \$53. Increases to biennial renewal fees will be implemented when licenses/certificates/permits renew as of March 31, 2015.

#### *Fiscal Impact*

The final-form rulemaking will increase the biennial renewal fees for licensees of the Board. There are currently approximately 25,300 licensees that will be required to pay more to renew their licenses when they expire in 2015 and thereafter. In addition, increased application fees will impact individuals who apply for initial licenses. Small businesses will be impacted to the extent that they elect to pay the fees on behalf of their licensed employees. Because three out of four dentists are self-employed and 95% of licensees work in dental offices, the vast majority of the Board's licensees work in small businesses. The Board processes an average of approximately 2,000 applications each year. The final-form rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

#### *Paperwork Requirements*

This final-form rulemaking will require the Board to alter some of its forms to reflect the new fees. However, the final-form rulemaking will not create additional paperwork for the regulated community or for the private sector.

#### *Sunset Date*

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. 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 March 25, 2013, the Board submitted

a copy of the notice of proposed rulemaking, published at 43 Pa.B. 1857, 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 November 6, 2013, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2013, and approved the final-form rulemaking.

#### *Contact Person*

Further information may be obtained by contacting Lisa Burns, Board Administrator, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

#### *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 no public comments were received.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

#### *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.3 and 33.339 to read as set forth at 43 Pa.B. 1857.

(b) The Board shall submit this order and 43 Pa.B. 1857 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 43 Pa.B. 1857 and deposit them with the Legislative Reference Bureau as required by law.

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

LISA P. DEEM, D.M.D., J.D.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 6988 (November 23, 2013).)*

**Fiscal Note:** Fiscal Note 16A-4627 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 13-2366. Filed for public inspection December 20, 2013, 9:00 a.m.]



# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 135 ]

### Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 24, 2013, meeting to amend § 135.41 (relating to State game lands) to limit the availability of the fire exception to only licensed hunters, trappers or fishermen and through hikers within the corridor of the Appalachian Trail.

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

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

The proposed rulemaking was made public at the September 24, 2013, meeting of the Commission. Comments can be sent until January 24, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission has historically permitted the use of small open fires on State game lands for cooking or warming purposes by licensed hunters, trappers or fishermen and through hikers within the corridor of the Appalachian Trail. The continued support for the use of small open fires by these users has not diminished. However, the Commission has identified an increasing number of fires being set and maintained by persons using the State game lands for other than their intended uses. In an effort to discourage and reduce the occurrence of these unintended uses, the Commission is proposing to limit the availability of the fire exception in § 135.41(a) to only licensed hunters, trappers or fishermen and through hikers within the corridor of the Appalachian Trail.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 741(b) of the code (relating to commission actions for damage to buildings or property) provides "The commission shall promulgate regulations to protect users, improvements, lands and buildings under its control. These regulations shall cover, but need not be limited to: (1) Removal of any material[;] (2) Damage of any kind[; and] (3) Any other regulations required to properly protect and preserve these lands for their intended use." The amendments to § 135.41 are proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 135.41 to limit the availability of the fire exception to only licensed hunters, trappers or fishermen and through hikers within the corridor of the Appalachian Trail.

#### 3. Persons Affected

Persons wishing to use small open fires for cooking or warming purposes on State game lands may be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

#### 5. Effective Date

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

#### 6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-358. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 135. LANDS AND BUILDINGS

#### Subchapter C. STATE GAME LANDS

#### § 135.41. State game lands.

(a) *Restrictions limited.* The following exceptions to § 135.2 (relating to unlawful actions) pertain to lands and waters designated as State game lands:

\* \* \* \* \*

(2) [ **Small open fires for cooking or warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire which may damage adjacent areas and shall be attended at all times and completely extinguished before leaving the site of the fire. Open fires are prohibited when the fire index rating used by the Department of Conservation and Natural Resources, is high, very high or extreme.** ] Small open fires for cooking or warming purposes may be kindled, used and maintained by persons exercising the privileges of a valid hunting, furtaking or fishing license and through hikers within the corridor of the Appalachian Trail as is defined in § 135.42 (relating to Appalachian Trail). This exception to the prohibition on fires in § 135.2(8) is applicable only when the small fires are located at places where adequate precautions are taken to prevent the spread of fire and the small fires are attended at all times and completely extinguished before leaving the sites of the fires. This exception does not apply when the fire index rating used by the Department of Conservation and Natural Resources is high, very high or extreme for that area. A person causing a wildfire, in addition to possible criminal penalty, is liable for all damages, cost of extinguishing and fines.

[Pa.B. Doc. No. 13-2367. Filed for public inspection December 20, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 147 ]  
**Special Permits; Deer Control**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 24, 2013, meeting to amend § 147.673 (relating to eligibility and application for DMAP) by advancing the Deer Management Assistance Permit (DMAP) application deadline to May 1.

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

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

The proposed rulemaking was made public at the September 24, 2013, meeting of the Commission. Comments can be sent until January 24, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Pennsylvania hunters have the opportunity to purchase their new hunting licenses from license issuing agents and the Pennsylvania Automated License System in early June each year. Ideally, every hunter interested in also redeeming a DMAP coupon for a harvest permit would be able to do so at the time of their general hunting license purchase. Unfortunately, due to the current DMAP application deadline and accompanying processing time, most DMAP landowner applications are not available until late June or early July. To accommodate hunting license buyers and permit one-stop purchases for licenses and permits in early June, the Commission is proposing to amend § 147.673 by advancing the DMAP application deadline to May 1. With this deadline date change DMAP applications would be made available to prospective landowner applicants no later than February 15 each year.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment to § 147.673 is proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.673 by advancing the DMAP application deadline to May 1.

3. *Persons Affected*

Persons wishing to submit a DMAP landowner application or redeem a DMAP coupon for a harvest permit may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-357. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS**

**§ 147.673. Eligibility and application for DMAP.**

(a) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies shall apply for the DMAP on a form provided by the Commission.

(1) Applications shall be submitted to a regional office by [ **June** ] **May 1** immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

\* \* \* \* \*

[Pa.B. Doc. No. 13-2368. Filed for public inspection December 20, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 133 ]

**Wildlife Classification; Classification of Birds**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 24, 2013, meeting to amend § 133.21 (relating to classification of birds) to remove the bald eagle from the endangered and threatened species list entirely.

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

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

The proposed rulemaking was made public at the September 24, 2013, meeting of the Commission. Comments can be sent until January 24, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission currently lists the bald eagle (*Haliaeetus leucocephalus*) as a threatened species within this Commonwealth. The Commission has recently determined that the bald eagle has achieved a population level and geographical distribution that no longer meets the definition of a threatened species. As of the 2013 nesting season, bald eagle populations have reached all criteria in the Pennsylvania Bald Eagle Management Plan, 2010-

2019 (Plan) to be removed from the Commonwealth endangered and threatened species list since they are now sustaining a minimum of 150 nesting pairs, including successful pairs in at least 40 counties, with 60% of known nests successful and productivity of 1.2 eaglets fledged per successful nest, based on a 5-year running period. The Commission is proposing to amend § 133.21 to remove the bald eagle from the endangered and threatened species list entirely. Upon delisting, bald eagles will continue to be a protected species under applicable Commonwealth statutes and will continue to be afforded added protection under the Federal Bald and Golden Eagle Protection Act (16 U.S.C.A. §§ 668—668d) and Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712). Commission staff will continue to implement the plan and monitor bald eagle nests to ensure that this species does not regress toward endangerment.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to “Add to or change the classification of any wild bird or wild animal.” Section 2167 of the code (relating to endangered or threatened species) states that “The commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.” The amendments to § 133.21 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 133.21 to remove the bald eagle from the endangered and threatened species list entirely.

3. *Persons Affected*

Persons having an interest in the protected status of bald eagles within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-356. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 133. WILDLIFE CLASSIFICATION**  
**Subchapter B. BIRDS**

§ 133.21. **Classification of birds.**

The following birds are classified:

\* \* \* \* \*

(2) *Threatened.*

(i) Osprey (*Pandion haliaetus*)

[ (ii) **Bald Eagle (*haliaetus leucocephalus*)**

(iii) ] (ii) Northern Harrier (*Circus cyaneus*)

[ (iv) ] (iii) Long-eared Owl (*Asio otus*)

[Pa.B. Doc. No. 13-2369. Filed for public inspection December 20, 2013, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of 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 December 10, 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

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-6-2013	<b>From:</b> Fox Chase Bank Hatboro Montgomery County  <b>To:</b> Fox Chase Bank Hatboro Montgomery County	Effective

Conversion from a Federal savings bank to a Pennsylvania State-chartered savings bank. Fox Chase Bank is a wholly-owned subsidiary of Fox Chase Bancorp, Inc., Hatboro, an existing bank holding company.

Branch offices operated by Fox Chase Bank:

4390 Davisville Road Hatboro Montgomery County	6059 Black Horse Pike Egg Harbor Township Atlantic County, NJ
8 US Route 9 South Marmora Cape May, NJ	921 West Avenue Ocean City Cape May, NJ
5871 Lower York Road Lahaska Bucks County	210 West State Street Media Delaware County
401 Rhawn Street Philadelphia Philadelphia County	815 Bustleton Pike Richboro Bucks County
1041 York Road Warminster Bucks County	137 North High Street West Chester Chester County
1 Fitzwatertown Road Willow Grove Montgomery County	

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-2-2013	Mauch Chunk Trust Company Jim Thorpe Carbon County	1331 Clamtown Road Tamaqua Schuylkill County	Opened



**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
12-10-2013	Stonebridge Bank Exton Chester County	Effective

Amendment to Section 2 of the institution's Articles of Incorporation provides for a change in principal place of business from 629 North Pottstown Pike, Exton, Chester County, PA 19341 to 605 Willowbrook Lane, West Chester, Chester County, PA 19382

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-25-2013	Hazleton School Employees Credit Union Hazleton Luzerne County	Filed

Amendment to Article 1 of the institution's Articles of Incorporation provides for a change in principal place of business from 1049 Wilbur Court, Hazleton, Luzerne County, PA 18202 to 1049 Wilbur Court, Hazle Township, Luzerne County, PA 18202

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. 13-2370. Filed for public inspection December 20, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Request for Bids**

The Department of Conservation and Natural Resources (Department) is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction, (717) 787-5055:

*FDC-008-100053.1—Clarion Maintenance Building Roof Replacement, Clear Creek State Forest, Clarion Township, Clarion County.* Work included under this contract consists of the demolition of the existing asphalt shingle roof down to the roof sheathing then installation of a standing seam metal roof on the existing roof sheathing. Building is approximately 84' x 24' with gable roof.

Responsive bidders must hold a current small business certification from the Department of General Services (DGS).

*FDC-450-100163.1—Reline Canal—North New Hope, Delaware Canal State Park, New Hope Borough, Bucks County.* Work included under this contract consists of

repair along the canal including excavation and stockpile of cover material; rehabilitation and reinforcement of canal slope, berm slope and canal bottom with geosynthetic clay liner; placement of cover material over geosynthetic clay liner; the construction, installation and removal of access roads into the work site, if necessary; clearing and grubbing as specified and or directed by the Department; and landscaping, seeding and mulching all construction areas.

Responsive bidders must hold a current small business certification from the DGS.

*FDC-220-100573.1—TREC Wind Turbine Demolition, Presque Isle State Park, Millcreek Township, Erie County.* Work included under this contract consists of complete demolition and removal of the wind turbine at the Tom Ridge Environmental Center.

Responsive bidders must hold a current small business certification from the DGS.

Bid documents will be available on or after December 18, 2013. The bid opening will be held on January 16, 2014.

ELLEN FERRETTI,  
*Secretary*

[Pa.B. Doc. No. 13-2371. Filed for public inspection December 20, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0244244 (Storm Water)	Flint Group North America Lionville Plant 210 Phillips Road Lionville, PA 19341	Chester County Uwchlan Township	Pine Creek (3-D)	Y

*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>
PA0060852 (Sewage)	EIHAB Human Services Inc. 1200 SR 92 South Tunkhannock, PA 18657	Wyoming County Falls Township	Susquehanna River (4-G)	Y
PA0061085 (Sewage)	Glenburn Service Co. Wastewater Plant PO Box O Clarks Summit, PA 18411	Lackawanna County Glenburn Township	Ackerly Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081264— SEW—Transfer	GLP Capital, LP—Penn National Horse Race Track & Hollywood Casino 777 Hollywood Boulevard, PO Box 32 Grantville, PA 17028-0032	Dauphin County East Hanover Township	UNT Swatara Creek / 7D	Y
PA0088897 (CAFO)	Hissong Farmstead Inc. 7651 Lemar Road Mercersburg, PA 17236	Franklin County Peters & Montgomery Townships	UNT West Branch Conococheague Creek / 13-C	Y
PA0082791 (IW)	Chester County Solid Waste Authority 7224 Division Highway Narvon, PA 17555-9505	Chester County Lancaster County Honey Brook, Caernarvon & Salisbury Townships	Conestoga River / 7-J	Y
PA0085375 (IW)	Newport Borough Water Authority 497 North Front Street Newport, PA 17074-1533	Perry County Oliver Township	Little Buffalo Creek / 12-B	Y
PA0033766 (Sew)	North Heidelberg Sewer Company Box 609 Bernville, PA 19506	Berks County Jefferson Township	UNT to Tulpehocken Creek / 3-C	Y
PA0084051 (Sew)	Charles Lupfer Creekview Farms Mobile Home Park 280 Airy View Road Shermansdale, PA 17090	Perry County Carroll Township	Sherman Creek / 7-A	Y

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

<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>
PA0027677 (IW)	US DOI Northern Appalachian Research Laboratory 176 Straight Run Road Wellsboro, PA 16901	Tioga County Shippen Township	Marsh Creek (9-A)	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>
PA0222887 (Sewage)	Gateway Lodge Restaurant 14870 Route 36 Cooksburg, PA 16217	Jefferson County Barnett Township	Unnamed Tributary to the Clarion River (17-B)	Y
PA0040878 (Sewage)	Keystone Adolescent Center 270 Sharon Road, Greenville, PA 16125	Mercer County West Salem Township	Unnamed Tributary to the Shenango River (20-A)	Y

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

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES Permit No. PA0229211, SIC Code 2869, PA Grain Processing LLC, 250 Technology Drive, Clearfield, PA 16830-2663.

This proposed facility is located in Clearfield Borough, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-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 0.267 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Halogen	XXX	XXX	XXX	0.2	0.5	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	0.75	1.50	1.88
Total Iron	XXX	XXX	XXX	1.5	3.0	3.8
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
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
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
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
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
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
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Disposal of Sludge.
- Using Approved list of Chemical Additives.
- Stormwater Outfalls Maintenance and inspection.

- No net addition of pollutants to non-contact cooling water.

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.

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

**PA0023701**, Sewage, SIC Code 4952, **Municipal Authority of the Borough of Midland**, 10th Street & Railroad Avenue, Midland, PA 15059. Facility Name: Midland STP. This existing facility is located in Midland Borough, **Beaver 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), Ohio River is located in State Water Plan watershed 20-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 1.25 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.0	XXX	3.3
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	261	417	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	313	469	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
Apr 1 - Oct 31	XXX	XXX	XXX	200	XXX	400
				Geo Mean		
Nov 1 - Mar 31	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

**PA0254703**, Storm Water, SIC Code 5093, **B&R Recycling**, 145 Bellview Road, Connellsville, PA 15425. Facility Name: B&R Recycling. This proposed facility is located in Bullskin and Connellsville Townships, **Fayette County**.

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

The receiving stream, Mounts Creek, is located in State Water Plan watershed 19-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 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Dissolved Iron	XXX	XXX	XXX	Report	7.0	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

**PA0051781 A-1**, Industrial Waste, SIC Code 4941, **Reading Area Water Authority Berks County**, 1801 Kutztown Road, Reading, PA 19604. Facility Name: Reading Authority Water System. This existing facility is located in Ontelaunee Township, **Berks County**.

Description of Existing Activity: The application is for an NPDES permit amendment for an existing discharge of treated water treatment plant effluent.

The receiving stream(s), Maiden Creek, is located in State Water Plan watershed 3-B and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The purpose of this amendment is to relocate outfall 001, 750 feet downstream. The effluent limitations for outfall 001 are unchanged.

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.

**PA0081817**, Sewage, SIC Code 4952, 8211, **Juniata County School District**, RR 2 Box 2411, McAlisterville, PA 17049-9737. Facility Name: East Juniata High School. This existing facility is located in Fayette Township, **Juniata 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), Cocolamus Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation.

The discharge is not expected to affect public water supplies. The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	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)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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.

**PA0081817**, Sewage, SIC Code 4952, 8211, **Juniata County School District**, RR 2 Box 2411, McAlisterville, PA 17049-9737. Facility Name: East Juniata High School. This existing facility is located in Fayette Township, **Juniata 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), Cocolamus Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.



The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	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	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
				Annl Avg		

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.

**PA0026735**, Sewage, SIC Code 4952, 221320, 562213, **Swatara Township Authority Dauphin County**, 599 Eisenhower Boulevard, Harrisburg, PA 17111-2304. Facility Name: Swatara Township STP. This existing facility is located in Swatara Township, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 6.3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (CFU/100 ml)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
May 1 - Oct 31	998	1576	XXX	19	30	38
Nov 1 - Apr 30	1313	2101	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	1576	2364	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	338	XXX	XXX	6	XXX	12
Nov 1 - Apr 30	900	XXX	XXX	18	XXX	36
Total Phosphorus	105	XXX	XXX	2.0	XXX	4.0
Free Available Cyanide	Report	XXX	XXX	Report	XXX	Report

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	115067	XXX	XXX	XXX
Net Total Phosphorus	Report	15342	XXX	XXX	XXX

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

- The permittee is granted 300 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
- Stormwater Requirements
- Pretreatment Program Implementation

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

The EPA Waiver is not in effect.

**PA0007765**, Industrial Waste, SIC Code 3751, **Harley Davidson Motor Company Operations Inc.**, 1425 Eden Road, York, PA 17402-1599. Facility Name: York Vehicle Operations Facility. This existing facility is located in Springettsbury Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste and stormwater.

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

The proposed requirements for Outfalls 004 and 006 are:

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

The proposed requirements for Outfalls 009, 010, and 011 are:

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

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

- Stormwater Requirements

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

The EPA Waiver is in effect.

**PA0247847**, Sewage, SIC Code 6514, **Rodger C Petrone**, 3920 Market Street, Camp Hill, PA 17011. Facility Name: Petrone Res Lot #6. This proposed facility is located in Carroll Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Yellow Breeches Creek, is located in State Water Plan watershed 7-E and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
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	Report	XXX	XXX
COD <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 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

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.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 4613409**, Sewage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490.

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

Description of Action/Activity: Construction and operation of a sewage pump station for a 39 lot residential development of single family detached homes.

**WQM Permit No. WQG02151320**, Sewage, **Kennett Township**, 801 Burrows Run Road, Chadds Ford, PA 19317.

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

Description of Action/Activity: Installation of 7,062 inch force main sewer extension.

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

**WQM Permit No. 2205403**, Sewerage, **GLP Capital, LP, Penn National Horse Race Track and Hollywood Casino**, 777 Hollywood Blvd., PO Box 32, Grantville, PA 17028-0032.

This proposed facility is located in East Hanover Township, **Dauphin County**.

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

**WQM Permit No. 3670415, Amendment No. 1**, Sewerage, **Ridgewood Manor Mobile Home Park**, 98 Brenneman Road, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Seeking permit amendment approval for upgrades to their existing treatment plant.

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

**WQM Permit No. 3713401**, Sewage, **Western Butler County Authority**, P.O Box 427, 607 Market Street, Zelenople, PA 16063.

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

Description of Proposed Action/Activity: Provide general upgrades to the Seneca Valley pump station and section of force main.

**WQM Permit No. WQG01101302**, Sewage, **Michael R. Kelley**, 862 Holly Hills Drive, Auburn, CA 95603.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01251322**, Sewage, **Joseph R. Lesik, Sr.**, 14978 Holmes Road, Waterford, PA 16441.

This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01251323**, Sewage, **Douglas J. Parker**, 6751 Route 6N West, Edinboro, PA 16410.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. 6188404**, Sewage, Amendment, **Pleasantville Borough**, 114 West State Street, Pleasantville, PA 16341.

This existing facility is located in Pleasantville Borough, **Venango County**.

Description of Proposed Action/Activity: Application to permit existing modifications of alum feed, chlorination, and dechlorination.

**WQM Permit No. WQG01621302**, Sewage, **Clifford Wyble**, 7613 Fitzsimmons Street, Verona, PA 15147.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01251324**, Sewage, **Melanie L. Henthorn**, 6761 Route 6N West, Edinboro, PA 16410.

This proposed facility is located in Washing Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01621303**, Sewage, **Kenneth Eckman**, 180 Wiltise Road, Frewsburg, NY 14738.

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

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

#### 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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024813012	Tom Kishbaugh Ashview Development Company, LLC 226 East Dell Rd. Bath, PA 18014	Northampton	Bushkill Township	Bushkill Creek (HQ-CWF, MF)

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041413008	Penn State University—OPP 113P Physical Plant Bldg University Park PA 16802	Centre	College Township	Trib to Slab Cabin Run HQ-CWF, MF

*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>
PAI044113004	Cellco Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	Lycoming	Cogan House Township	Wendell Run HQ-CWF, MF

*Individual Permit Type—PAI*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-1017-13-002	BAMR P. O. Box 8461 Harrisburg, PA 17105-8476 717-783-7924	Clearfield County	Jordan Township	Campbell Run (HQ-CWF/MF)

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


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PAG-12                      CAFOs

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**CAFO Notices of Intent Received**


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

**PAG123682**, CAFO, **Joel H. Rutt**, 1178 White Oak Road, Manheim, PA 17545.

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

Description of Size and Scope of Proposed Operation/Activity: 410.44 AEUs Existing Swine, Steer and Broiler Operation. The receiving stream, UNT Chickies Creek, is in watershed 7-G, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 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.

**PAG123679**, CAFO, **Terry Hershey**, 573 Strasburg Road, Paradise, PA 17562.

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

Description of Size and Scope of Proposed Operation/Activity: 487.1 AEUs Existing Operation with 1,800 head swine, one horse and ten cows.

The receiving stream, Eshelman Run, is in watershed 7-K, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 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.

**PAG123773**, CAFO, **Burk-Lea Farms**, 3125 Grand Point Road, Chambersburg, PA 17202.

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

Description of Size and Scope of Proposed Operation/Activity: 1,707.8 AEUs Existing dairy operation.

The receiving stream, UNT to Conococheague Creek, Falling Springs Creek and Rocky Spring, is in watershed 13-C, and classified for: WWF / TSF.

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

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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



**APPLICATIONS**  
**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

<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>
David & Marilee Kiliti 62 Kiliti Road Berwick, PA 18603	Luzerne	79.4 Total 57.7 Available for Nutrient Application	734.74	Finishing Swine, Beef Steers, Goats	N/A	New
Jeffrey Frey 13 Radcliff Road Willow Street, PA 17584	Lancaster	500	594.65	Swine	NA	Renewal
Paul Ebersol 4970 Sunset Pike Chambersburg, PA 17202	Franklin	224.2	93.5	Duck	NA	Renewal
Paul Newton Ehst Spring Pond Farm 93 Deck Road Womelsdorf, PA 19567	Berks	112.9	399.85	Layers, Steers	NA	Renewal
Scattered Acres Farms— George C. Richard 213 Richard Road Elysburg, PA 17824	Columbia	1,783	953.46	Poultry and Swine	HQ	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**

*Central Office: Bureau Director, Safe Drinking Water,  
P. O. Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996597], Public Water Supply.**

Applicant	<b>[Spadola &amp; Spadola, Inc. d/b/a Shawanguck Bulk Spring Water]</b>
[Township or Borough]	[Pine Bush, New York]
Responsible Official	[Joseph Spadola, Owner]
Type of Facility	[Out of State Bulk Water Hauling System]
Application Received Date	[November 25, 2013]
Description of Action	[Applicant requesting Department approval to sell bulk water in Pennsylvania using three 6000-gallon tanker trucks.]

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2813506, Public Water Supply.**

Applicant	<b>Antrim Brethern in Christ Church</b>
Municipality	Antrim Township
County	<b>Franklin</b>

Responsible Official Loren Knepper, Owner  
2793 Wiles Road  
Chambersburg, PA 17202

Type of Facility Public Water Supply

Consulting Engineer William E. Fleischer, P.E.  
Moore Engineering Company  
3637 Columbia Avenue  
Lancaster, PA 17603

Application Received: 11/12/2013

Description of Action Installation of flow paced  
chemical injection equipment  
and chlorine contact tanks to  
increase chlorine contact time to  
meet 4-Log Treatment of Viruses  
for GWR.

**Application No. 3613513 MA, Minor Amendment,**  
Public Water Supply.

Applicant **Ephrata Area Joint Authority**

Municipality Ephrata Borough

County **Lancaster**

Responsible Official Thomas Natarian, Director of  
Operations  
124 South State Street  
Ephrata, PA 17522

Type of Facility Public Water Supply

Consulting Engineer Timothy J Glessner, P.E.  
Gannett Fleming, Inc.  
PO Box 67100  
Harrisburg, PA 17106-7100

Application Received: 11/20/2013

Description of Action Installation of air scour for the  
backwash system in the Ephrata  
Water Treatment Plant.

*Southwest Region: Safe Drinking Water Program Man-  
ager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 0413508,** Public Water Supply.

Applicant **Borough of Shippingport**  
PO Box 76  
Shippingport, PA 15077

[Township or Borough] Shippingport Borough

Responsible Official Laura Korcan, Borough  
Secretary  
Borough of Shippingport  
PO Box 76  
Shippingport, PA 15077

Type of Facility Water system

Consulting Engineer Lennon, Smith Souleret  
Engineering, Inc.  
846 Fourth Avenue  
Coraopolis, PA 15108

Application Received Date December 2, 2013

Description of Action Installation of a rechlorination  
system at the 150,000 gallon  
water distribution system  
storage standpipe which includes  
a sodium hypochlorite feed  
system, aeration, ventilation and  
mixing equipment.

**Permit No. 6513525,** Public Water Supply.

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

[Borough or Township] Bell Township

County **Westmoreland**

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date November 22, 2013

Description of Action Removing a 10 MGD pump and  
replacing it with a 7.5 MGD  
pump as a part of an energy  
savings project.

**Permit No. 2613514,** Public Water Supply.

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

[Borough or Township] North Huntingdon Township

County **Westmoreland**

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date November 22, 2013

Description of Action Removing three 1,200 gpm  
pumps and replacing them with  
two 2400 gpm pumps as a part  
of an energy savings project.

**Permit No. 0213539,** Public Water Supply.

Applicant **Harrison Township Water  
Authority**  
1705 Rear Freeport Road  
Natrona Heights, PA 15065

[Borough or Township] Harrison Township

County **Allegheny**

Type of Facility Water system

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

Application Received Date November 25, 2013

Description of Action Installation of a floating spray  
nozzle equipment, mixing  
equipment and ventilation air  
system at the 500,000 gallon  
Summit Tank.

**Permit No. 0213540**, Public Water Supply.  
 Applicant **Harrison Township Water Authority**  
 1705 Rear Freeport Road  
 Natrona Heights, PA 15065  
 [Borough or Township] Harrison Township  
 County **Allegheny**  
 Type of Facility Water system  
 Consulting Engineer NIRA Consulting Engineers, Inc.  
 950 Fifth Avenue  
 Coraopolis, PA 15108  
 Application Received Date November 25, 2013  
 Description of Action Installation of a floating spray nozzle equipment, mixing equipment and ventilation air system at the 1,000,000 gallon Summit Tank.

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

**Permit No. 1013506**, Public Water Supply  
 Applicant **Young's Mobile Home Park**  
 Township or Borough Concord Township  
 County **Butler**  
 Responsible Official Robert H. Young  
 Type of Facility Public Water Supply  
 Consulting Engineer Norman P. Straub, P.E.  
 404 Elliott Road  
 Grove City, PA 16127  
 Application Received Date December 2, 2013  
 Description of Action 4-Log treatment of viruses.

#### MINOR AMENDMENT

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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 3913504MA**  
 Applicant **Northampton Borough Municipal Authority**  
 [Township or Borough] North Whitehall Twp.,  
**Lehigh County**  
 Responsible Official Gerald Deily, Manager  
 Type of Facility Community Water System  
 Consulting Engineer Timothy Glessner P.E.,  
 Gannett Fleming  
 Application Received Date 10/25/13  
 Description of Action The replacement of chemical metering pumps at the water treatment plant.

**Application No. 5413509MA**  
 Applicant **Plum Creek Municipal Authority**  
 [Township or Borough] Wayne Township  
**Schuylkill County**

Responsible Official Kenneth T. Nagle, Co-Chairman  
 Plum Creek Municipal Authority  
 686 Berne Road  
 Auburn, PA 17922  
 Type of Facility Community Water System  
 Consulting Engineer David M. Bright, PE  
 SSM Group, Inc.  
 P. O. Box 6307  
 Reading, PA 19610  
 610-621-2000  
 Application Received Date December 4, 2013  
 Description of Action Application for repainting the two (2) existing finished water storage tanks serving customers in the Lake Wynonah development.

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

#### Application No. 5613511GWR, Minor Amendment.

Applicant **Stonebridge Gardens**  
 PO Box 117  
 Friedens, PA 15541  
 [Township or Borough] Quemahoning Township  
 Responsible Official James Foust, Jr.  
 Stonebridge Gardens  
 PO Box 117  
 Friedens, PA 15541  
 Type of Facility Water system  
 Consulting Engineer David G. Duray  
 512 Old Ridge Road  
 Hollscopple, PA 15935  
 Application Received Date October 28, 2013  
 Description of Action Demonstration of 4-log treatment for groundwater sources

**Permit No. 6513524MA**, Public Water Supply.  
 Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672  
 [Borough or Township] Bell Township  
 County **Westmoreland**  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date November 22, 2013  
 Description of Action Replacement of the underdrains and media in seven (7) filters at the Sweeney Water Treatment Plant

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Former Carlos R. Leffler Facility / In-Use Loading Rack Update**, 25 Abbie Road, York, PA 17404, West Manchester Township, York County. Patriot Environmental Management, LLC, PO Box 629, Douglassville, PA 19518, on behalf of Richland Partners, LLC, P. O. Box 659, Douglassville, PA 19518, and CRL Holdings, LP, c/o Apple Hill Business Advisors, Inc., 33 North 2nd Street, Harrisburg, PA 17101, submitted a Notice of Intent to Remediate site soils contaminated with VOCs. This bulk petroleum storage and distribution facility will be remediated to the Site Specific standard. The Notice of Intent to Remediate was published in the *York Dispatch/York Daily Record* on October 28, 2013.

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

**XTO Energy Inc.—John Waschok #3 Site**, 1843 Rhine Road, Brush Valley Township, Indiana County. Groundwater and Environmental Services, Inc., 301 Commerce Park Drive, Cranberry, PA 16066 has submitted a Notice of Intent to Remediate (NIR) on December 2, 2013 to meet the non-residential Site Specific Standard and the residential Statewide Health Standard. This notice concerns site soils contaminated with aluminum, anti-mony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc and chloride. The future use of the property is expected to remain a natural gas production well for the foreseeable future. The notification of the NIR was published on November 23, 2013 in the *Indiana Gazette*.

## 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 Per-



mit. 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

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

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**48-00076A: Calpine Bethlehem LLC** (500 Delaware Avenue, Suite 600, Wilmington, DE 19801) for change in emission rates from existing sources at their facility in Bethlehem, Northampton County.

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

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

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

**46-0046A: Accellent, Inc.** (200 West 7th Avenue, Trappe, PA 19426) for addition of applicable Boiler MACT requirements from 40 C.F.R. Part 63, Subpart DDDDD to Source ID Nos. 031, 032, and 034, which are existing boilers at their facility in Trappe Borough, Montgomery County.

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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.*

**36-05001J: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for replacement of an existing dryer at their ceiling tile plant in East Donegal Township, Lancaster 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 abovementioned company for the abovementioned 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. 36-05001J is for the replacement of the PIF line's (Source ID 250) existing prime dryer with a 24.0 mmBtu/hr four-zone dryer. The dryer will be fired on natural gas and will have the ability to combust propane as backup. The dryer will utilize Mazon Ovenpak LE low-NO<sub>x</sub> burners. The project is expected to increase actual emissions by 0.33 tpy CO, 0.24 tpy NO<sub>x</sub>, 0.14 PM<sub>10</sub>/PM<sub>2.5</sub>, and 1.18 tpy VOC. The Plan Approval will contain monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 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, or for requests for a public hearing. 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.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**36-05160A: Morgan Truck Body LLC** (1656 Dry Tavern Road, Denver, PA 17517) for construction of a new drive-thru paint booth and for an increase in production of an existing spray paint booth at the Denver Plant in Brecknock Township, Lancaster 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 abovementioned company for the abovementioned 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. 36-05160A is for the construction of a new drive-thru spray booth with an integrated drying oven that will operate at approximately 160 degrees Fahrenheit. The plan approval also allows for an increase in throughput capacity for an existing spray booth at the facility. This booth also has an integrated drying oven that operates at about 160 degrees Fahrenheit. Both the



new and existing booths are subject to emission limits as defined in 25 Pa. Code § 129.52 Category #10—for extreme performance coatings. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected annual emissions from the proposed project are 0.57 tpy of NO<sub>x</sub>, 0.33 tpy of CO, 0.08 tpy of PM, 0.04 tpy of SO<sub>x</sub>, 0.75 tpy of HAPs, 7.25 tpy of VOCs, and 546.6 tpy of CO<sub>2e</sub>.

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, 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.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*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*

**30-00183C: EQT Gathering, LLC** (EQT Plaza 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-30-00183C to allow the installation and initial temporary operation of two Caterpillar G3616LE lean burn natural gas-fired compressor engines rated at 4,735 bhp and controlled by oxidation catalysts, one enclosed flare to control two currently authorized triethylene glycol (TEG) dehydrators, four microturbine generators rated at 200 kW, and one 8,800 gallon produced fluids tank at the Jupiter Compressor Station located in Morgan Township, **Greene County**. Sources currently operating under OP-30-00183 include three Caterpillar G3608LE lean burn natural gas-fired compressor engines rated at 2,370 bhp and controlled by oxidation catalysts, two TEG dehydrators rated at 45 MMscfd, one TEG dehydrator rated at 120 MMscfd controlled by an enclosed flare, associated reboilers, and two 8,800 gallon produced fluids tanks.

Potential to emit (PTE) from the facility after installation of the new sources and controls is calculated to be 95.9 tons of nitrogen oxides (NO<sub>x</sub>), 36.63 tons of carbon monoxide (CO), 41.68 tons of volatile organic compounds (VOC), 4.05 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 4.05 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 5.13 tons of formaldehyde, 4.55 tons of acetaldehyde, 2.8 tons of acrolein, 1.36 tons of methanol, 15.95 tons of total hazardous air pollutants (HAP), and 97,138 tons of

carbon dioxide equivalents (CO<sub>2e</sub>) per year. Best available technology (BAT) for the proposed lean burn engines includes good combustion practices including combustion with the proper air/fuel ratio, installation and operation of oxidation catalysts, and proper maintenance and operation. Other proposed air contamination sources meet criteria for exemption from plan approval requirements. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, and 129.57; New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart JJJJ for stationary spark ignition internal combustion engines and 40 CFR Part 60 Subpart OOOO for crude oil and natural gas production, transmission, and distribution; and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subpart HH for oil and natural gas production facilities and 40 CFR Part 63 Subpart ZZZZ for stationary reciprocating internal combustion engines. The reporting of greenhouse gas (GHG) emissions in the form of CO<sub>2e</sub> and on a mass basis has also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, particulate matter, formaldehyde, and visible emission limits; and testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a State Only Operating Permit administrative amendment application in accordance with 25 Pa. Code Subchapter F.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00183C) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

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 in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. For additional information you may contact Alan Binder at 412-442-4168.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-1007A: Formtech Enterprises, Inc.** (7301 Klier Drive, Fairview, PA 16415) for installation of a burnoff oven at their facility in Fairview Township, **Erie County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-1007A to Formtech Enterprises, Inc for the installation of a burnoff oven at their facility in Fairview Township, Erie County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-1007A is for the installation of an electrically heated batch burnoff oven, with natural gas fired afterburner. Emissions from this source will be controlled by good operating practices, including maintaining a minimum temperature of 1400°F in the secondary afterburner, which is proposed as Best Available Technology (BAT) for the proposed source. Based on the information provided by the applicant and DEP's own analysis, the proposed source will have a potential to emit of approximately 0.05 ton of particulate matter, 0.29 ton of carbon monoxide, 0.67 ton of volatile organic compounds (VOC), 1.28 tons of hydrogen chloride, and 1.36 tons of total hazardous air pollutants (HAP) per year.

The Plan Approval will contain additional testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 25-1007A and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

#### OPERATING PERMITS

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

*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.*

**36-05024: Bigbee Steel & Tank Co.** (99 West Elizabethtown Road, Manheim, PA 17545) for the steel storage tank manufacturing facility in Rapho Township, **Lancaster 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 abovementioned facility.

The subject facility had in 2012 actual emissions of 14.1 tpy of VOCs and 4.6 tpy 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. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52, Table I, Category 10 for extreme performance coatings.

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 plan approval, 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. Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-05025: Texas Eastern Transmission, L.P.—Marietta Compression Station** (PO Box 1642, Houston, TX 77251-1642) for the natural gas compressor station in East Donegal Township, **Lancaster 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 abovementioned facility.

The facility is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). The facility's actual emissions in the 2012 AIMS include 72 tons of NO<sub>x</sub>, 9 tons of CO, and 8 tons of VOC including 1.9 tons of HAPs. The turbine is subject to NSPS, 40 CFR 60 Subpart GG.

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.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality



Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**46-00026: Global Packaging, Inc.** (209 Brower Ave. Oaks, PA 19456) for renewal of a State-Only Operating Permit for a packaging printing operation in Upper Providence Township, **Montgomery County**. This Operating Permit contains all applicable state and federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00029: Upper Darby School District** (8201 N Lansdowne Ave, Upper Darby, PA 19082) for the Upper Darby High School located in Upper Darby Township, **Delaware County**. The renewal permit is for a non-Title V (State only) facility. Air emissions sources at the facility include three dual fuel fired (natural gas/No. 2 fuel oil) boilers (16 MMBtu/hr each), a natural gas fired chiller (8.1 MMBtu/hr), and 4 emergency generators (3 natural gas fired, 1 No. 2 fuel oil fired), ranging in capacity of 15–375 kilowatts. Each boiler is equipped with Low NO<sub>x</sub> (nitrogen oxides) Burners and Flue Gas Recirculation. The boilers are the major emission source. With the Operating Permit renewal, the following emissions limitations per 12-month rolling period, are revised using updated emissions factors: NO<sub>x</sub> reduction to 1.7 tons/year and carbon monoxide (CO) increase to 1.27 tons/year. Limits for the boilers for particulate matter and volatile organic compounds (VOC) remain at 0.28 ton/year and 0.08 ton/year respectively. The facility has taken a restriction to operate the boilers as gas fired boilers, pursuant to 40 CFR Section 63.11237 thereby avoiding applicability of 40 CFR Part 63 Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The facility has also taken a restriction to operate the emergency generators in conformance with the exemption criteria for 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The operating permit will include monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00024: McNeil Consumer Healthcare** (7050 Camp Hill Road, Fort Washington, PA 19034) for operation of a pharmaceutical preparation plant located in Whitmarsh Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The facility is a Synthetic Minor facility for Volatile Organic Compounds (VOCs), Nitrogen Oxide (NO<sub>x</sub>), and Particulate Matter (PM) emissions. The facility is an area source for Hazardous Air Pollutant (HAP) emissions. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**39-00062: Tri-City Marble, Inc.** (4724 Springside Court, Allentown, PA 18104) for operation of gel coating and grinding bathroom plastics fixture manufacturing facility located in Upper Macungie Township, **Lehigh County**. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-05124: Guyon Industries Inc.—Manheim** (1344 North Penryn Rd., Manheim, PA 17545) for operation of a lumber pre-finishing facility in Penn Township, **Lancaster 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 2012 emissions of the facility were 0.23 ton of VOC per year, 0.018 ton of HAPs per year. 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.

**07-05025: Sunoco Partners Marketing and Terminals, LP.** (5733 Butler Street, Pittsburgh, PA 15201-2199) for a petroleum product loading terminal in Allegheny Township, **Blair County**. This is a renewal of the State-Only Operating Permit issued in September 2008.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has

received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

The facility is a synthetic minor facility subject to the operating permit requirements of 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements). The primary emissions from the facility are the volatile organic compounds. The actual VOC emission in 2012 AIMS was 17.35 tons. The gasoline loading rack and storage tanks are subject to 40 CFR 63, Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The building heater is subject to 40 CFR 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

Copies of the renewal 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.

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.

**36-03116: Cargill Cocoa & Chocolate, Inc.** (200 Chocolate Avenue, Mount Joy, PA 17552) for the chocolate manufacturing facility in Mount Joy Borough, **Lancaster 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 abovementioned facility.

The subject facility has potential emissions of 6.1 tpy of NO<sub>x</sub>, 3.1 tpy of CO, 52.9 tpy of PM<sub>10</sub> and 9.7 tpy of VOCs. 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 plan approval, 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.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, 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 Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**59-00007: NRG REMA, LLC** (121 Champion Way, Canonsburg, PA 15317) a state only operating permit renewal for their Blossburg Generating Station facility located in Covington Township, **Tioga County**. In accordance with 25 Pa. Code § 127.425, the Department of Environmental Protection (DEP) has received an application and intends to renew State Only (Synthetic Minor) Operating Permit 59-00007 for the abovementioned facility. The subject facility has released the following emissions according to their 2012 Air Information Management System (AIMS) report: 1.95 tons per year (TPY) of CO; 8.58 TPY of NO<sub>x</sub>; 0.08 TPY of SO<sub>x</sub>; 0.16 TPY of PM<sub>10</sub> and PM<sub>2.5</sub>; 0.05 TPY of VOC; and 2781 TPY of CO<sub>2</sub>. The facility's sources include a turbine and starting engine that operates solely to initiate the turbine's start sequence. The Department has determined that the sources at the facility meet all state and federal regulatory requirements, including the newly revised National Emission Standards for Hazardous Air Pollutants from Stationary Reciprocating Internal Combustion Engines as codified in 40 CFR Part 63, Subpart ZZZZ (§§ 63.6580 through 63.6675). This renewal operating permit includes all applicable requirements from Subpart ZZZZ, including monitoring, recordkeeping, and reporting requirements to verify compliance with the applicable standards. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the state only operating permit have been derived from the applicable requirements as specified in 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 as well as Title 25, Article III of the rules and regulations of the Department of Environmental Protection.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central 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 following: Name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 59-00007); 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, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**11-00003: Westmont Hilltop School District** (827 Diamond Blvd., Johnstown, PA, 15905) Operating Permit renewal for the Goucher St. Elementary School in Upper Yoder Township, **Cambria County**. Equipment at this facility includes two 3.1 mmbtu/hr tri-fuel boilers and a diesel-fired, 60 kilowatt emergency generator. However, the permittee has committed to burning only natural gas in those boilers in the future. Potential emissions from the emission sources at this facility are therefore based on burning natural gas in the boilers for 8,760 hours per year and low sulfur diesel fuel in the emergency generator. Emissions are estimated to be 2.7 tons NO<sub>x</sub>, 0.1 ton VOCs, 2.3 tons CO, and 0.2 ton particulate matter. Actual emissions from the facility are even lower considering the boilers do not operate at full rated capacity. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments or object to the operating permit or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest shall include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 11-00003) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing 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, protests and requests for a public hearing should be directed to Nick Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Waryanka at (412) 442-4172.

**OP-65-00704: Greater Latrobe School District** (410 Main St., Latrobe, PA, 15650) Operating Permit renewal for the Greater Latrobe Senior High School in Unity Township, **Westmoreland County**. Equipment at this facility includes three natural gas-fired 15.0 mmbtu/hr boilers, a diesel-fired 330 bhp emergency generator, a natural gas-fired 105 bhp emergency generator, and several small space heaters, water heaters, and food preparation ovens and cookers. Potential emissions from the emission sources at this facility are based on operation for 8,760 hours per year for all sources except the emergency generators which have a 500 hours per year limit. Emissions are estimated to be 11.9 tons NO<sub>x</sub>, 1.4 tons VOCs, 19.3 tons CO, 0.3 tons SO<sub>2</sub>, and 1.9 tons particulate matter less than 10 microns (PM<sub>10</sub>). Actual emissions from the facility are much lower as the boilers do not generally operate from May through September and only one or two boilers operate simultaneously. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments or object to the operating permit or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest shall include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 65-00704) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing 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, protests and requests for a public hearing should be directed to Nick Waryanka, Air Quality

Engineer, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Waryanka at (412) 442-4172.

### PLAN APPROVALS

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

**45-00010A: H.G. Smith Wilbert Vault Co. Inc.** (2120 North 5th Street, Stroudsburg, PA 18360) for their facility located in Stroudsburg Borough, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to H.G. Smith Wilbert Vault Co. Inc. (2120 North 5th Street, Stroudsburg, PA 18360) for their facility located in Stroudsburg Borough, Monroe. This Plan Approval No. 45-00010A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-00010A is for (3) Crawford Model C1000H and (1) C500P Crematories. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 45-00010A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**45-00031A: Horizon Milling, LLC** (Horizon Milling Flour Mill) (Route 940 Harvest Lane, P. O. Box 147, Mt. Pocono, PA 18344, PA 18610) for their facility located in Tobyhanna Twp, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Horizon Milling, LLC (Horizon Milling Flour Mill) (Route 940 Harvest Lane, P. O. Box 147, Mt. Pocono, PA 18344, PA 18610) for their facility located in Tobyhanna Twp, Pocono Township, Mt. Pocono Borough, Monroe County. This Plan Approval No. 45-00031A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-00031A is for (1) wheat receiving system and fabric collector. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 45-00031A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**40-00127A: Acton Technologies** (100 Thompson Street, Pittston, PA 18640) for their facility in Jenkins Township, **Luzerne 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 Acton Technologies (100 Thompson Street, Pittston, PA 18640) for their facility located in Jenkins Twp., Luzerne County. This Plan Approval No. 40-00127A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00127A is for the installation of a new Wet Etch Film line #5 to be controlled by an existing RTO (Regenerative Thermal Oxidizer) to control emissions at their facility. VOC emissions from the plant will remain under their 50 TPY threshold limit, 12-month rolling sum. Malodorous emissions will be controlled by the use of the RTO. The oxidizer will be required to have a destruction efficiency of at least 98%. These limits will meet BAT requirements for this source.

The Department will place a condition for the facility to continuously monitor the combustion temperature in the

oxidizer. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 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.: 40-00127A 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, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Acton Technologies (100 Thompson Street, Pittston, PA 18640) for their facility located in Jenkins Twp., Luzerne County. This Plan Approval No. 40-00127A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Returned*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26-11-01 and NPDES Permit No. PA0252221. T & B Excavating, Inc.** (P. O. Box 337, McClellandtown, PA 15458). Denied government financed construction contract, located in Luzerne Township, **Fayette County**, affecting 8.6 acres. Receiving stream: unnamed tributary to Wallace Run. Application received: November 16, 2011. GFCC denied: December 4, 2013.

### *Coal Applications Withdrawn*

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

**56121302 and NPDES No. PA0236187, RoxCOAL, Inc.**, (1576 Stoystown Road, PO Box 149, Friedens, PA 15541), to operate the Wells Creek Mine in Somerset Township, **Somerset County** a new underground mine and related NPDES permit, Surface Acres Proposed 64.2, Underground Acres Proposed 3678.4, Subsidence Control Plan Acres Proposed 3678.4, Receiving Stream: Wells Creek, classified for the following use: CWF. Application received September 24, 2012. Application withdrawn December 2, 2013.

### *Coal Applications Received*

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

**32131301 and NPDES No. PA0235555. Homer City Generation, LP**, (800 Long Ridge Road, Stamford, CT 06927). To renew the permit for the Dixon Run Central Treatment Facility in Cherryhill Township, **Indiana County** and related NPDES permit for water treatment only. No additional discharges. The application was con-



sidered administratively complete on December 4, 2013. Application received September 30, 2013.

**56981301 and NPDES No. PA0215121 with GP12-56981301. Queecreek Mining, Inc.**, (PO Box 260, 1576 Stoystown Road, Friedens, PA 15541-0260). To renew the permit for the Queecreek No. 1 Mine in Lincoln and Somerset Townships, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP-12 authorization. No additional discharges. The application was considered administratively complete on December 5, 2013. Application received September 30, 2013.

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

**Permit No. 32130101 and NPDES No. PA0269271. KMP Associates, Inc.**, 3756 State Route 981, Saltsburg, PA 15681, commencement, operation and restoration of a bituminous surface and auger mine in Conemaugh and Young Townships, **Indiana County**, affecting 37.0 acres. Receiving streams: unnamed tributaries to/and Big Run to Blacklegs Creek to Kiskiminetas River, classified for the following use: Cold Water Fishery; Warm Water Fishery. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport, PA. Application received: October 22, 2013.

**Permit No. 11130201 and NPDES No. PA0269280. Ebensburg Power Co.**, 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, commencement, operation and restoration of a bituminous surface and refuse reprocessing mine in Richland Township, **Cambria County** affecting 63.619 acres. Receiving stream: Paint Creek, classified for the following use: Trout Stocked Fishery. There are no potable water supply intakes within 10 miles downstream. This application includes a stream encroachment to reconstruct an existing stream crossing over unnamed tributary 1 to Paint Creek and encroach with 50 feet of unnamed tributaries to/and Paint creek, for refuse reprocessing and construction of E&S controls. This application also includes a request for Section 401 Water Quality Certification. Application received: October 25, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63080103 and NPDES Permit No. PA0251445. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclamation only to an existing bituminous surface mine, located in Somerset and Fallowfield Townships, **Washington County**, affecting 224.0 acres. Receiving streams: unnamed tributaries to North Branch Pigeon Creek and Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 4, 2013.

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

**54813009R6. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in East Norwegian Township, **Schuylkill County** affecting 57.7 acres, receiving stream: Mill Creek and unnamed tributary to Mill Creek, classified for

the following uses: cold water and migratory fishes. Application received: October 31, 2013.

**54813009C2. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), correction to an existing anthracite surface mine and coal refuse reprocessing operation to update the post-mining land use from forestland to unmanaged natural habitat and forestland in East Norwegian Township, **Schuylkill County** affecting 57.7 acres, receiving stream: Mill Creek and unnamed tributary to Mill Creek, classified for the following uses: cold water and migratory fishes. Application received: November 6, 2013.

**54080102C. Keystone Anthracite Company, Inc.**, (259 North 2nd Street, Girardville, PA 17935), correction to an existing anthracite surface mine, coal refuse reprocess and disposal operation to add 12.5 acres for support for a total of 784.0 acres and stream variances in West Mahanoy Township, **Schuylkill County**, receiving streams: Shenandoah Creek, classified for the following uses: cold water and migratory fishes and Mahanoy Creek, classified for the following uses warm water fishes and migratory fishes. Application received: October 31, 2013.

**13980201R3. Rossi Excavating Company**, (RR 1 Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County**, affecting 18.0 acres, receiving stream: Beaver Creek, classified for the following use: cold water fishes. Application received: November 5, 2013.

**13990201R3. Rossi Excavating Company**, (RR 1 Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County**, affecting 493.0 acres, receiving stream: Beaver Creek, classified for the following use: cold water fishes. Application received: November 5, 2013.

**13990201C. Rossi Excavating Company**, (RR 1 Box 189E, Beaver Meadows, PA 18216), correction to an existing anthracite coal refuse reprocessing operation to update the post-mining land use to unmanaged natural habitat, affecting 493.0 acres, receiving stream: Beaver Creek, classified for the following use: cold water fishes. Application received: November 5, 2013.

**54910206R4. Meadowbrook Coal Co., Inc.**, (PO Box 1, Wiconisco, PA 17097), renewal of an existing anthracite surface mine, coal refuse reprocessing and prep plant operation in Tremont Township, **Schuylkill County** affecting 190.0 acres, receiving stream: Stumps Run to Lorberry Creek, classified for the following uses: cold water and migratory fishes. Application received: November 6, 2013.

**54910206C. Meadowbrook Coal Co., Inc.**, (PO Box 1, Wiconisco, PA 17097), correction of an existing anthracite surface mine, coal refuse reprocessing and prep plant operation to update the post-mining land use from forestland to unmanaged natural habitat and forestland in Tremont Township, **Schuylkill County** affecting 190.0 acres, receiving stream: Stumps Run to Lorberry Creek, classified for the following uses: cold water and migratory fishes. Application received: November 8, 2013.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:



<i>Parameter</i>	<i>Table 2</i> <i>30-day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**7373SM1C4 and NPDES Permit No. PA0595683. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County** affecting 11.0 acres, receiving stream: Stony Creek, classified for the following use: Exceptional Value. Application received: October 31, 2013.

**40920801. Barry K. Reese**, (PO Box 157, Dallas, PA 18612), Stage I and II bond release of a quarry operation in Franklin Township, **Luzerne County** affecting 1.0 acre on property owned by the Estate of Elmer Reese. Application received: November 8, 2013.

**40010803. Barry K. Reese**, (PO Box 157, Dallas, PA 18612), Stage I and II bond release of a quarry operation in Franklin Township, **Luzerne County** affecting 3.0 acres on property owned by the Estate of Elmer Reese. Application received: November 8, 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</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>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*

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

**NPDES No. PA0125015 (Mining permit no. 56763036), Shade Landfill, Inc.**, 1176 No. 1 Road, Cairnbrook, PA 15924, renewal of an NPDES permit for bituminous surface mine in Shade Township, **Somerset County**, affecting 84.2 acres. Receiving stream: Miller Run, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 1, 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 treated wastewater outfall(s) listed below discharge to Miller Run:

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	XXX	XXX	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0263117 (Mining permit no. 56100107), Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision of an NPDES permit for a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 192.2 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek, classified for the following use: cold water fishery. This receiving stream is included in the Buffalo Creek TMDL. Application received: October 24, 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 treated waste water outfall(s) listed below discharge to unnamed tributaries to and Buffalo Creek:

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

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

<i>Outfalls: 001, 002, 003, 010, 011</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	XXX	XXX	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (mOsm/kg)	XXX	XXX	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to and Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N
007	N
009	N
012	Y
013	Y
014	Y
015	Y

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

**NPDES No. PA0258351 (Permit No. 33070104). Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201) Revision to an existing NPDES permit for a bituminous surface mine in Young & McCalmont Townships, **Jefferson County**, affecting 25.6 acres. Receiving streams: Unnamed tributary to Elk Run, classified for the following uses: CWF. TMDL: None. Application received: November 18, 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 Elk Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <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 Elk Run:

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

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

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

**NPDES No. PA0259411 (Permit No. 33130102). Bedrock Mines, LP** (111 Freeport Road, Aspinwall, PA 15215) New NPDES permit for a bituminous surface mine in Porter Township, **Jefferson County**, affecting 85.0 acres. Receiving streams: Unnamed tributaries to Nye Branch and Pine Run, both classified for the following uses: CWF. TMDL: Pine Run. Application received: August 30, 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 requires a non-discharge alternative:

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

The outfall(s) listed below discharge to unnamed tributaries to Nye Branch and Pine Run:

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

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)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0224791 on Surface Mining Permit No. 52090301. Dingman's Ferry Stone, Inc.**, (PO Box 686, Dingmans's Ferry, PA 18328), new NPDES Permit for a Sand & Gravel Quarry operation in Delaware Township, **Pike County**, affecting 68.2 acres. Receiving stream: Hornbecks Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: May 21, 2009.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for normal mining activities. Anti-Degradation BMP's, as included with the application, are to be in effect for the entire site.

The outfall(s) listed below discharge to Hornbecks Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
SP-1	No	Stormwater Only
SP-2	Yes	Stormwater Only
SP-3	Yes	Stormwater Only

## **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

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E24-261, Fox Township**, P. O. Box 184, Kersey PA 15846. Foxhead Industrial Park, in Fox Township, **Elk County**, ACOE Pittsburgh District (Kersey, PA Quadrangle N: 41°, 21', 30"; W: 78°, 35', 13").

To permanently fill 0.12 acre of PEM wetland for the development of two additional lots in the existing Foxhead Industrial Park. This project was originally permitted 10/21/2005 as E24-240, however, this portion of the wetlands was not impacted prior to the expiration of the permit. Mitigation, in the form of 0.58 acres of AMD treatment ponds/wetlands, was constructed as part of the original permit.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860*

**E61-08-002, Halcon Field Service LLC**, 1000 Louisiana Street, Suite 6700, Houston, TX 77002-6003, French Creek, & Sandy Creek Townships, **Venango County**, ACOE Pittsburgh District. The applicant proposes the installation of approximately 5.4 miles of 16 inch diameter natural gas pipeline, and repairs of a 0.29-mile existing access road.

The pipeline project starts at the Rainbow well pad and terminates at the SCC well pad in Venango County, PA. The project will utilize new & existing right-of-ways (ROWs), and existing public and private roads for construction, operations and maintenance activities. No impacts to wetlands, temporary or permanent, will occur as a result of the project. The project will result in 884 linear feet of temporary stream impacts and 0.0 acre of wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

- 1 One (1) 16 inch diameter natural gas gathering line & a proposed LOD crossing of an unnamed tributary (UNT) to Little Sandy Creek (HQ-CWF) using timber mat & potentially Horizontal Directional Drill (HDD) technique, impacting 131 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'26.500"N -79°55'51.578"W
- 2 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (HQ-CWF) using timber mat & open cut technique, impacting 51 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'25.606"N -79°55'38.964"W
- 3 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (HQ-CWF) using timber mat & open cut technique, impacting 52 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'25.455"N -79°55'36.947"W
- 4 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (HQ-CWF) using timber mat & open cut technique, impacting 46 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'24.184"N -79°55'20.493"W
- 5 LOD crossing of an unnamed tributary (UNT) to Little Sandy Creek (HQ-CWF) using timber mat technique, impacting 6 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'23.879"N -79°55'10.959"W
- 6 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 41 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'9.141"N -79°54'0.672"W
- 7 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using temporary bridge & open cut technique, impacting 54 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°23'7.360"N -79°54'0.165"W
- 8 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 47 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'59.518"N -79°53'57.935"W
- 9 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 43 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'52.010"N -79°53'55.799"W
- 10 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 45 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'44.609"N -79°53'53.694"W
- 11 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 40 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'42.179"N -79°53'53.003"W
- 12 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using open cut technique, impacting the floodway. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'32.165"N -79°53'53.241"W
- 13 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 85 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'28.771"N -79°53'52.275"W
- 14 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Little Sandy Creek (CWF) using timber mat & open cut technique, impacting 48 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'23.671"N -79°53'50.49"W

- 15 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Haggerty Hollow (EV) using timber mat & open cut technique, impacting 41 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°22'3.855"N -79°53'32.439"W
- 16 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Haggerty Hollow (EV) using open cut technique, impacting the floodway. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°21'47.401"N -79°53'23.818"W
- 17 One (1) 16 inch diameter natural gas gathering line crossing of Haggerty Hollow (EV) using temporary bridge & open cut technique, impacting 48 linear feet. Also impacting the floodway of UNT Haggerty Hollow (EV). (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°21'43.543"N -79°53'20.971"W
- 18 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Haggerty Hollow (EV) using open cut technique, impacting the floodway. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°21'41.655"N -79°53'19.577"W
- 19 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Sandy Creek (WWF) using timber mat & open cut technique, impacting 46 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°21'11.437"N -79°53'2.450"W
- 20 One (1) 16 inch diameter natural gas gathering line crossing of an unnamed tributary (UNT) to Sandy Creek (WWF) using timber mat & open cut technique, impacting 60 linear feet. (Utica, Polk, Franklin, & Kennerdell, PA Quadrangles) 41°21'7.516"N -79°53'0.394"W

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## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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#### I. NPDES Renewal Permit Actions

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

<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>
PA0228079 (Sewage)	Village Of Kissimmee 1432 Kissimmee Rd Middleburg, PA 17842	Snyder County Franklin Township	Unnamed Tributary to Middle Creek (6-A)	Y
PA0229199 (Sewage)	Matthew Simcox Properties 4985 Warrensville Road Montoursville, PA 17754	Lycoming County Eldred Township	Mill Creek (10-B)	Y
PA0096121 (Sewage)	Joe Walker Elementary School STP 2510 Park Avenue Washington, PA 15323	Washington County South Franklin Township	Chartiers Creek (20-F)	Y

Final:

<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>
PA0254754 (Industrial Waste)	Neville Island Bulk Petroleum Storage Terminal 2760 Neville Road Pittsburgh, PA 15225	Allegheny County Neville Township	Ohio River (20-G)	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>
PA0210803 (Sewage)	Star Route Estates MHP 11012 Star Route Guys Mills, PA 16327	Crawford County East Mead Township	Unnamed Tributary to Little Sugar Creek (16-D)	Y
PA0238457 (Sewage)	Sue A. Brown & Amy J. Wagner SFTF 562 Wilson Mill Road, New Wilmington, PA 16142	Lawrence County Wilmington Township	Unnamed Tributary of the Little Neshannock Creek (20-A)	Y
PA0032549 (Sewage)	Presque Isle State Park West Fisher Avenue Presque Isle State Park Erie, PA 16505	Millcreek Township Erie County	Presque Isle Bay of Lake Erie (15-PI)	Y
PA0222411 (Sewage)	Frank A. Leonard SFTF 20 and 30 Carey Farms Road, Erie, PA 16511	Harborcreek Township Erie County	Lake Erie (15-A)	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. Telephone 484-250-5970***NPDES Permit No. PA0051306**, Sewage, **Camp Green Lane/Green Lane Operating Company**, 249 Camp Green Lane Road, Green Lane, PA 18054-2306.This proposed facility is located in Salford 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 Camp Green Lane STP to Ridge Valley Creek in Watershed 3-E.

**NPDES Permit No. PA0244295**, Sewage, **Franconia Sewer Authority**, 671 Allentown Road, Telford, PA 18969.This proposed facility is located in Franconia 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 Franconia WWTP to Skippack Creek in Watershed 3-E.

**NPDES Permit No. PA0244279**, Industrial, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969.This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge filter backwash water from a facility known as Telford Borough Authority Well No. 4 to Unnamed Tributary 1229 to East Branch Perkiomen Creek in Watershed 3E.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.***NPDES Permit No. PA0027693**, Sewage, SIC Code 4952, **Minersville Sewer Authority**, 2 East Sunbury Street, Minersville, PA 17954.This existing facility is located in Minersville Borough, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0026549**, Sewage, **City of Reading**, 815 Washington Street, Reading, PA 19601.

This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-C.

**NPDES Permit No. PA0262081**, Industrial Waste, **Texas Eastern Transmission LP**, 890 Winter Street Suite 300, Waltham, MA 02451.

This proposed facility is located in Jackson Township, Southwest Madison Township and Tyrone Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Sherman Creek, UNT to Muddy Run, UNT to Kansas Valley Run and UNT to Cisna Run in Watersheds 7-A and 12-B.

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

**NPDES Permit No. PA0263494**, Sewage, **Michael M. Fodse**, 13238 Phelps Road, Conneaut Lake, PA 16316.

This existing facility is located in Summit Township, **Crawford County**.

Description of Proposed Action/Activity: Cancellation of permit.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 5113401**, Sewage, **Philadelphia Water Department**, 1101 Market Street, 4th Floor, Philadelphia, PA 19107-2994.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Secondary treatment bypass to provide primary treatment and disinfection for wet weather flows up to 650mgd.

**WQM Permit No. 5109401**, Sewage, **Philadelphia Water Department**, 1101 Market Street, 2nd Floor, Philadelphia, PA 19107.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Construction of a 12" and 16" public gravity sanitary sewer extension, new pump station and force main and upgrade to an existing pump station.

**WQM Permit No. 0901401**, Sewage, Amendment, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912-0413.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: DEP Initiated Permit Renewal

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third St Ste 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**WQM Permit No. 4113402**, Sewage, **Carol Phillips**, 22861 Route 287, Morris, PA 16938.

This proposed facility is located in Pine Township, **Lycoming County**.

Description of Proposed Action/Activity: Project is to abate the failing on lot sewage disposal system serving the motel units and dwelling units.

**WQM Permit No. 4107402**, Sewage, SIC Code 4952, **Bellina Simcox**, 4985 Warrensville Road, Montoursville, PA 17754.

This existing facility is located in Eldred Township, **Lycoming County**.

Description of Proposed Action/Activity: This permit is for the transfer of WQM Permit No. 4107402 from Matthew Simcox to Bellina Simcox.

*Southwest Region: Water Standards & Facility Regulation Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 5613200**, Jeffrey L. Hillegass, **Dividing Ridge Farm**, 207 Dividing Ridge Rd, Fairhope, PA 15538.

This proposed facility is located in Allegheny Township, **Somerset County**.

Description of Proposed Action/Activity: Construction of Two HDPE-Lined Manure Storage Cells.

**WQM Permit No. 0213411**, **Pittsburgh Water and Sewer Authority**, 1200 Penn Ave., Pittsburgh PA 15222

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

Description of Proposed Action/Activity: Replacement of existing 20" sewer lines on Valmont Street to eliminate backups.

**WQM Permit No. 1113403**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901-1916.

This proposed facility is located in City of Johnstown, **Cambria County**.



Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation—Oakhurst Sewer Project—Phase I. This is one phase of a multi-phase project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6513406**, Sewage, **Trafford Borough**, 414 Brinton Avenue, Trafford, PA 15085-0196.

This proposed facility is located in Trafford Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation—Trafford Borough SS Repair—Phase IV. This is one phase of a multi-phase project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. WQG01251314**, Sewage, **Thomas A. Carone**, 33380 Gallinas Parkway, Trinidad, CO 81082.

This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG01251319**, Sewage, **Gerald & Margaret Stoner**, 3893 Williams Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. 2413401**, Sewage, **Benezette Township**, P. O. Box 10, Benezette, PA 15821.

This proposed facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: Sanitary Sewer Collection Extension to service an expanded subdivision of the Blue Sky housing development site.

**WQM Permit No. 2009401**, Sewage, **Michael M. Fodse**, 13238 Phelps Road, Conneaut Lake, PA 16316.

This existing facility is located in Summit Township, **Crawford County**.

Description of Proposed Action/Activity: Cancellation of permit.

**WQM Permit No. WQG01251313**, Sewage, **Donald C. Hoover**, 2540 Avis Drive, Harborcreek, PA 16421.

This proposed facility is located in Harborcreek Township, **Erie County**.

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

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

*Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PAI138305**, MS4, **Harborcreek Township Erie County**, 5601 Buffalo Road, Harborcreek, PA 16421. Renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Harborcreek Township, **Erie County**. The receiving streams, Fourmile Creek, Sixmile Creek, Sevenmile Creek, Eightmile Creek, and Twelvemile Creek, are located in State Water Plan watershed 15-A and are classified for Warm Water Fishes, Cold Water Fishes, Migratory Fishes, High Quality Fishes, aquatic life, water supply, and recreation.

**PAI138301**, MS4, **Millcreek Township Erie County**, 3608 West 26th Street, Erie, PA 16506-2059. Renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Millcreek Township, **Erie County**. The receiving stream(s), unnamed tributaries to Mill Creek, Mill Creek, unnamed tributaries to Lake Erie, Lake Erie, unnamed tributaries of Walnut Creek, Walnut Creek and West Branch Cascade Creek, is located in State Water Plan watershed 15 and is classified for Warm Water Fishes and Migratory Fishes (Mill Creek and West Branch Cascade Creek Watershed), High Quality Waters—Cold Water Fishes (Unnamed Tributary (62442) to Walnut Creek), and Cold Water Fishes and Migratory Fishes (Lake Erie, Walnut Creek Watershed), aquatic life, water supply and recreation.

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	
PAG138307	McKean Township Erie County 9231 Edinboro Road, P. O. Box 62 McKean, PA 16426	Erie	McKean Township	Unnamed Tributaries to Elk Creek and Unnamed Tributaries to Walnut Creek	N

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


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*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>
PAI025213003	Saeilo Enterprises, Inc. 1 Blue Hill Plaza, Suite 1518 Pearl River, NY 10965	Pike	Blooming Grove Township	Little Mud Pond Swamp (HQ-CWF, MF) UNT to Shohola Creek (EV)
PAI024813003	Riverbend Hanover Properties, L.L.C 1 Rockefeller Plaza Suite 2301 New York, NY 10020	Northampton	East Allen & Hanover Townships	Monocacy Creek (HQ-CWF, MF)
PAI024812018	Redevelopment Authority of Easton 1 South Third Street 4th Floor Easton, PA 18042	Northampton	City of Easton	Bushkill Creek (HQ-CWF, MF)

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064213003	Bradford Regional Airport 212 Airport Drive Lewis Run PA 16738	McKean	Lafayette Township	Unt Threemile Run CWF Unt East Branch Tunungwant Creek HQ; CWF

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**VII. Approvals to Use NPDES and/or Other General Permits**


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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From 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

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

*General Permit Type—PAG-02*

*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>
Dunmore Borough City of Scranton Lackawanna County	PAG02003513016	The Pennsylvania State University RM 101P, Physical Plant Bldg. University Park, PA 16802	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Hanover Township Warrior Run Borough Luzerne County	PAG02004012019	Sears Holding Corp. 3333 Beverly Road Hoffman Estates, IL 60179	Warrior Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Smithfield Township Monroe County	PAG02004508003R	Penn Regional Business Center, Phase III 319 Dartmouth Road Suite 1A, P. O. Box 93 Marshalls Creek, PA 18335	UNT to Brodhead Creek (TSF, MF)	Monroe County Conservation District 570-629-3060
Palmer Township Northampton County	PAG02004813011	Charles Chrin Real Estate Trust 400 South Greenwood Ave. Easton, PA 18045	Schoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

*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>
Athens & Sheshequin Townships Bradford County	PAG02000813025	PA Dept of Transportation 3-0 715 Jordan Ave Montoursville PA 17754	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Benner & College Townships Centre County	PAG02001403017R(1)	Dr Gerald Clair 568 Rock Rd State College PA 16801	UNT to Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
College Township Centre County	PAG02001413014	University Area Joint Auth 1576 Spring Valley Rd State College PA 16801	Trib to Spring Creek HQ-CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Fairfield Township Lycoming County	PAG02004113001	Gregory Welteroth Welteroth Properties 365 Laurens Rd Montoursville PA 17754	Bennetts Run WWF UNT to West Branch Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*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>
Cranberry Township Butler County	PAG02001013016	Morgan Management LLC 1170 Pittsford-Victor Road Suite 100 Pittsford NY 14534	Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001013021	Ehrman Farms LP 1700 North Highland Rd Suite 102 Pittsburgh PA 15241 & Sante Berarducci Inc 4712 Lucy Drive Allison Park PA 15101	Wolfe Run WWF	Butler County Conservation District 724-284-5270
Butler Township Butler County	PAG02001013030	Peoples TWP LLC 205 North Main Street Butler PA 16001-4904	Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
Ridgway Township Elk County	PAG02002413006	Glenwood Beer Distributor Inc 2177 West Grandview Blvd Erie PA 16509	Gallagher Run CWF	Elk County Conservation District 814-776-5373
Summit Township Erie County	PAG02002513019	Giant Eagle Inc 261 Kappa Drive Pittsburgh PA 15238	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Keating Township McKean County	PAG02004213002	Verizon Wireless 18 Abele Road Bridgeville PA 15017	Unt Potato Creek CWF	McKean County Conservation District 814-887-4001

*General Permit Type—PAG-3*

*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>
Cumberland County / Hampden Township	PAG033501	Carlisle Carrier Corporation 6380 Brackbill Boulevard Mechanicsburg, PA 17050	Trindle Spring Run / CWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Upper Paxton Township	PAR203627	MI Metals, Inc.—(Millersburg Plant) PO Box 1128 Oldsmar, FL 34677	Wiconisco Creek / WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County / Straban Township	PAR603597	JKLM Corporation DBA Prospect Metal Company—Gettysburg Division 3640 York Road New Oxford, PA 17350	Swift Run / WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Coal Township Northumberland County	PAR804805	Waste Management Of PA Inc. 206 Quarry Road Coal Township, PA 17866	Shamokin Creek—6B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Lower Burrell City Westmoreland County	PAG036102	Lindy Paving Inc. 2340 Second Avenue Pgh, PA 15219	Beaver River—20-B/ WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000



<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>
Ambridge Borough Beaver County	PAR206108	Worldclass Proc Corp 21 Century Drive Ambridge, PA 15003-2549	Big Sewickley Creek and Ohio River—20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
South Huntingdon Township Westmoreland County	PAR606192	R & R Auto Recycling 555 Sutersville Road West Newton, PA 15089	Youghiogheny River—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Millcreek Township Erie County	PAR808352	Erie Regional Airport Authority 4411 W 12th Street Erie, PA 16505-3035	Lake Erie (via Millcreek Township storm sewers) and Wilkins Run 15	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**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>
Summit Township Erie County	PAG041125	Thomas A. Carone 33380 Gallinas Parkway Trinidad, CO 81082	Unnamed Tributary of LeBoeuf Creek 16-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Harborcreek Township Erie County	PAG041132	Gerald & Margaret Stoner 3893 Williams Road, Erie, PA 16510	Unnamed Tributary to Sixmile Creek 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Harborcreek Township Erie County	PAG041129	Donald C. Hoover 2540 Avis Drive Harborcreek, PA 16421	Unnamed Tributary to Elliots Run 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-6 CSOs*

<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>
Moosic Borough Lackawanna County	PAG062202	Lackawanna River Basin Sewer Authority (Moosic Interceptor) PO Box 280 Olyphant, PA 18447	Lackawanna River and Spring Brook—5-A / CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County*Lancaster County /  
Warwick Township*Permit No.*

PAG083535

*Applicant Name &  
Address*Lititz Sewer Authority  
50 Lititz Run Road  
Lititz, PA 17543*Site Name &  
Location*Lititz Sewer  
Authority WWTP  
50 Lititz Run Road  
Lititz, PA 17543*Contact Office &  
Phone No.*DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*Fawn Township /  
York County*Permit No.*

PAG083505

*Applicant Name &  
Address*Springettsbury Township  
WWTF  
3501 North Shermans Street  
York, PA 17406*Site Name &  
Location*Richard Marsteller  
Farm  
417 New Park Road  
New Park, PA 17352*Contact Office &  
Phone No.*DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Cumberland County /  
Monroe Township*Permit No.*

PAG083603

South Middleton Township  
Municipal Authority  
345 Lear Lane  
Boiling Springs, PA 17007Larry Myers Farm  
280 Myers Road  
Boiling Springs, PA  
17067DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES  
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Blevins Blue Mountain Swine Finishing Farm 10315 Otterbein Church Rd., Newburg, PA 17240	Franklin	56.1, 0 acres available for manure	629.26	Swine	NA	Approved
Kline's Hillside Farm 167 Coble Rd. Chambersburg, PA 17202	Franklin	29	551.37	Swine/Poultry	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
CVFF New Hope Sow Farm 23177 Back Rd. Concord, PA 17217	Franklin	29	2715.95	Swine	NA	Approved
Jonathan Stauffer 3535 Old State Road Leck Kill, PA 17836	Northumberland	10	258.26	Poultry—Layers	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. 721.1—721.17).**

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

**Operations Permit # 0913514** issued to: **Perkasie Regional Authority** 306 North Fifth Street Perkasie, PA 18944, [(PWSID)] East Rockhill Township, **Bucks County** on December 4, 2013 for the operation of a Tank Coating, Removal of Cathodic Protection Internal and External Coating and Removal of Cathodic Protection of the 2 MG Storage Tank.

**Operations Permit # 4613510** issued to: **Aqua Pennsylvania, Inc.**, [(PWSID)] Upper Merion Township, **Montgomery County** on December 4, 2013 for the operation of Clearwell Baffles, Chlorine Contact Piping, and Relocation of the Existing Ammonia Feed.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 0613513 MA**, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 Municipality Spring Township  
 County **Berks**  
 Responsible Official David R Kauffman  
 800 West Hershey Park Drive  
 Hershey, PA 17033  
 Type of Facility Rehabilitation of Spring Ridge  
 Finished water storage tank.  
 Consulting Engineer Bruce A Brubaker, P.E.  
 Pennsylvania-American Water  
 Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055  
 Permit to Construct Issued: 11/26/2013

**Permit No. 0113503**, Public Water Supply.

Applicant **Bermudian Springs School District**  
 Municipality Huntington Township  
 County **Adams**  
 Responsible Official Shane Hotchkiss,  
 Superintendent  
 7335 Carlisle Pike  
 York Springs, PA 17372  
 Type of Facility Construction of a centralized  
 water treatment system to  
 replace the multiple existing  
 systems. The system will include  
 softening, arsenic removal,  
 disinfection including GWR 4-log  
 treatment of viruses, booster  
 pumps and a finished water  
 storage tank.  
 Consulting Engineer Randolph S Bailey, P.E.  
 William F Hill & Associates Inc  
 207 Baltimore Street  
 Gettysburg, PA 17325  
 Permit to Construct Issued: 11/26/2013

**Permit No. 6713512 MA**, Minor Amendment, Public Water Supply.

Applicant **The York Water Company**  
 Municipality Spring Garden Township  
 County **York**

Responsible Official Mark S Snyder, Engineering Manager  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Type of Facility Upgrade of underdrains and air scour system for the filters at the Grantley Road Water Treatment Plant

Consulting Engineer Mark S Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct Issued: 12/4/2013

**Permit No. 3613510, Minor Amendment,** Public Water Supply.

Applicant **Val-Co Bird In Hand**  
Municipality East Lampeter Township  
County **Lancaster**

Responsible Official Jeremy Crum, Dep Operator  
1697 Swamp Pike  
Gilbertsville, PA 19525

Type of Facility Installation of granular activated carbon (GAC) for trichloroethylene (TCE) treatment.

Consulting Engineer Bruce Rader, P.E.  
Berks Surveying & Engineering, Inc.  
311 East Main Street  
Fleetwood, PA 19522

Permit to Construct Issued: 12/4/2013

**Operations Permit** issued to: **Westood Park Water Company**, 4070059, Logan Township, **Blair County** on 11/25/2013 for the operation of facilities approved under Construction Permit No. 0713507 MA.

**Operations Permit** issued to: **Advent Ventures, Inc.**, 7360793, Clay Township, **Lancaster County** on 12/5/2013 for the operation of facilities approved under Construction Permit No. 3613509.

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

**Permit No. 1713502-MA**—Construction Public Water Supply.

Applicant **City of DuBois**  
Township/Borough Sandy Township  
County **Clearfield**  
Responsible Official John Suplizio, City Manager  
City of DuBois  
P. O. Box 408  
16 West Scribner Avenue  
DuBois, PA 15801

Type of Facility Public Water Supply

Consulting Engineer Christopher M. Nasuti, P.E.  
City of DuBois  
P. O. Box 408  
16 West Scribner Avenue  
DuBois, PA 15801

Permit Issued 12/5/13  
Description of Action Construction of the SR 255 bulk water truck fill station.

**Permit No. 1713504-MA**—Construction Public Water Supply.

Applicant **Pennsylvania American Water Company**

Township/Borough Bradford Township  
County **Clearfield**

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

Type of Facility Public Water Supply

Consulting Engineer Mr. Brue A. Brubaker  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit Issued 12/9/13

Description of Action Abrasive blasting and repainting of interior and exterior of the Bigler water storage tank with rehabilitation repair work.

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

**Permit No. 2613505,** Public Water Supply.

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

[Borough or Township] Forward Township

County **Allegheny**

Type of Facility Williamsport pump station

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued December 3, 2013

**Permit No. 2613506,** Public Water Supply.

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

[Borough or Township] Unity Township

County **Westmoreland**

Type of Facility Charter Oaks #2 pump station



Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued December 3, 2013

**Permit No. 2613508**, Public Water Supply.

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

[Borough or Township] Unity Township

County **Westmoreland**

Type of Facility Naser Road #2 water storage tank

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued December 3, 2013

**Permit No. 2613509**, Public Water Supply.

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

[Borough or Township] North Huntingdon Township

County **Westmoreland**

Type of Facility Ardara #1 water storage tank

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued December 3, 2013

**Permit No. 2613510**, Public Water Supply.

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

[Borough or Township] Hempfield Township

County **Westmoreland**

Type of Facility Hempfield Industrial pump station

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued December 3, 2013

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, PO Box 187, Jefferson, PA 15344, (PWSID #5300017) Franklin and Center Townships, **Greene County** on December 3, 2013 for the operation of facilities approved under Construction Permit # 3012505MA.

**Permit No. 0213535MA, Minor Amendment.** Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility 16-inch relay waterline

Consulting Engineer

Permit to Construct Issued December 3, 2013

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

**Permit No. 2013504-C** Public Water Supply

Applicant **U.S. Bronze Foundry and Machine, Inc.**

Township or Borough Woodcock Township

County **Crawford**

Type of Facility Public Water Supply

Consulting Engineer Chard W. Yuriscic, P.E.  
Deiss & Halmi Engineering, Inc.  
109 Meadville Street  
Edinboro, PA 16412

Permit to Construct Issued November 18, 2013

**Construction/Operation Permit** issued to **Cory R. Fox, Inc.**, PWSID #5106519, Saxonburg Borough, **Butler County**, for the operation of the bulk water hauling system. Construction and Operation authorized simultaneously under permit number 5106519-MA1 issued December 5, 2013.

**Transfer of Operation Permit** issued to **Mr. Alan S. Hartzell**, PWSID #6160020, Washington Township, **Clarion County** on December 5, 2013. Action is for change in ownership; the potable water supplier will do business as Hartzell's Mobile Home Park. The new permit number is 1698501-T1.

**Operation Permit** issued to **Slippery Rock Municipal Authority**, PWSID #5100079, Slippery Rock Township, **Butler County**. Permit Number 1011509 issued November 27, 2013 for the operation of Hines Road waterline extension/connection. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on November 14, 2013.

**Interim Operation Permit** issued to **Erie City Water Authority**, PWSID #6250028, Millcreek Township, **Erie County**. Permit Number 2510505 Interim Operation 4 issued November 21, 2013 for the interim operation of the Richard S. Wasielewski Water Treatment Plant. This permit replaces Permit No. 2510505 Interim Operation No. 3, issued April 8, 2013, which is hereby revoked.

**Operation Permit** issued to **City of Oil City**, PWSID #6610023, City of Oil City, **Venango County**. Permit Number 6113502 issued November 21, 2013 for the operation of the public water system.

**Operation Permit** issued to **Slippery Rock Municipal Authority**, PWSID #5100079, Slippery Rock Township, **Butler County**. Permit Number 1011508 issued

December 6, 2013 for the operation of SRMA Well No. 5 and the Hines Road Water Treatment Plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on November 14, 2013.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

##### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Plan Location:* Canton Borough Authority Service Area, Canton Borough, Bradford Co.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Canton Borough	4 North Center Street, P. O. Box 174, Canton, PA 17724	Bradford

*Plan Description:* The approved plan calls for the construction of a new sewage treatment plant to serve the existing service area of Canton Borough Authority in Canton Borough as described by Alternative B. The existing plant has reached the end of its useful life. The new sewage treatment plant consists of an Aqua-Aerobics Sequencing Batch Reactor with Biological Nutrient Removal Capability that will discharge 0.390 MGD of treated effluent into Towanda Creek at the existing discharge point. The total project cost is estimated to be \$8,474,000 and is expected to be funded by PENNVEST grants and loans. The Department has not identified any major environmental impacts from this plan.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Porter Township	5 Shaffer Lane, Jersey Shore, PA 17740	Lycoming

*Plan Description:* The approved plan calls for the Tiadaghton Valley Municipal Authority to extend public sewage facilities into two separate areas of Porter Township that are experiencing malfunctioning onlot sewage disposal systems and are already in close proximity to existing public sewage service facilities. The two identified areas which are to receive the public sewage extensions are Plymouth Avenue, with three existing homes to be served by one of the extensions, and a section of Cemetery Street and Elmhurst Avenue, with seven existing homes to be served by one of the extensions. The total project cost, estimated to be \$155,852, is expected to be funded by PENNVEST; with the ability of the Tiadaghton Valley Municipal Authority to entirely fund the project with monies from its capital reserve fund, if needed. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Danville Borough	Shannon Berkey, Manager, 239 Mill Street, Danville, PA 17821	Montour

*Plan Description:* The approved plan provides for the rehabilitation, replacement in kind, or replacement with

larger diameter of several sections of sewer in the borough. Those areas include replacement of the main interceptor from the WWTP to Rooney Avenue, replacement of the D. L. & W. trunk line along D. L. & W. Avenue and Lower Mulberry Street, SR 54 trunk line replacement and rehabilitation, SR 11 collection line replacement and rehabilitation, West Market and West Mahoning Streets replacement and rehabilitation, which includes a new pump station and force main crossing of Mahoning Creek, Spring Street replacement and outfall pipe rehabilitation. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

##### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bedford Township	PO Box 148 Bedford PA 15522	Bedford

*Plan Description:* The planning module for Merritt Pond Campground SFTF, DEP Code No. A3-05902-393-3S APS Id 779859, consisting of installation of a small flow treatment facility to repair a malfunctioning on-lot sewage disposal system. The proposed development is located at 193 Flying Dutchman Road. This plan is disapproved because there was no response received to the Department's unacceptable/incomplete letters dated October 9, 2012 and September 25, 2013, requesting additional project information required by Chapters 71 and 93 of Title 25.

## HAZARDOUS SITES CLEAN-UP

### UNDER THE ACT OF OCTOBER 18, 1988

#### Notice of Prompt Interim Response Pottstown Plating, Pottstown Borough, Montgomery County.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a Prompt Interim Response (Response) at the Pottstown Plating HSCA Site (Site) located at 215 South Washington Street, Pottstown Borough, Montgomery County. This response has been initiated pursuant to Sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site is near the intersection of South Washington Street and Industrial Drive. The Schuylkill River is within 100 yards of the Site. Residential properties are within 25 yards of the Site. The Site covers approximately 4 acres, including a large industrial building, and was the former location of Pottstown Plating Works, which conducted electroplating operations at the Site for fifty years. Polycyclic Aromatic Hydrocarbons, Sodium Hydroxide, Cyanides and other metals were found at the Site.

The objectives of the Prompt Interim Response are to remove the threat of release of hazardous chemicals to the environment and protect human health. The scope of the Response is limited to removing wastes that pose an immediate threat to human health or offsite migration.

The following alternatives were considered by the Department:

- 1.) No Action
- 2.) Removal of Hazardous Substances from the Site

The Department has proposed Alternative 2, Removal of Hazardous Substances from the Site. The Site is not an appropriate storage location for hazardous substances. The Department has chosen this response due to the imminent danger to human health and the environment presented by conditions at the facility when the Prompt Interim Response was initiated.

The Department has removed 80,000 gallons of hazardous and residual waste from the Site to date. The total volume of waste to be removed as part of this Response is estimated at 100,000 gallons.

This notice is being provided pursuant to Section 506(b) of HSCA. The Administrative Record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment.

The Administrative Record is located at Pottstown Borough Hall, Department of Licensing and Inspections, 2nd Floor, 100 East High Street, Pottstown, PA and is available for review Monday through Friday from 8:30 am to 4:30 pm. The Administrative Record will be open for comment from December 21, 2013 until March 20, 2014. Persons may submit written comments into the Record during this time only, by sending them to Colin R. Wade at Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by delivering them to this office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing scheduled for Jan. 9, 2014 at 7:00 pm. The hearing will be held in the 3rd floor meeting room of Pottstown Borough Hall, 100 East High St., Pottstown, PA 19464. Persons wishing to present comments can register in advance with Lynda Rebarchak by telephone at 484.250.5820 or in writing at lrebarchak@pa.gov.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Community Relations Coordinator Lynda Rebarchak, at 484.250.5820 or through the Pennsylvania AT & T Relay Service at 1.800.654.5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submis-

sion 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:

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

**Former BP Terminal 4574**, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 201 Helios Way, Helios Plaza 6.370A, Houston, TX 77079 and Reading Terminals Corporation, 900 Eisenhower Boulevard, Harrisburg, PA 17105, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The Final Report is intended to document remediation of the site to meet the Site Specific standard.

**Maple Press Company**, 480 Willow Springs Lane, York, PA 17404, Manchester Township, **York County**. BL Companies, Inc., 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of The Maple Press Company, 480 Willow Springs Lane, York, PA 17406, submitted a Final Report concerning the remediation of site groundwater contaminated with petroleum hydrocarbons and chlorinated solvents. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

**Penn Valley Airport**, 101 Airport Road, Monroe Township, **Snyder County**. Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17870, on behalf of Heritage Aviation-Penn



Valley Airport, submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xylene, Naphthalene, Cumene, 1,2,4-Trimethylbenzene, 1,2-Dibromoethane, 1,2-Dichloroethane, 1,3,5-Trimethylbenzene, and Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Former First Student Bus Garage #20516.** City of Pittsburgh, **Allegheny County.** American Geosciences, Inc., 3925 Reed Blvd, Ste. 400 Murrysville, PA 15668 on behalf of Christine J. Roman, 1245 Anderson Road, Pittsburgh, PA 15209 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with unleaded/leaded gasoline and diesel fuel/heating oil. Notice of the Remedial Investigation Report was published in the *Tribune Review* on November 21, 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. Phone 717.705.4705.*

**Ontelaunee Orchards**, 5548 Pottsville Pike, Leesport, PA 19533, Borough of Leesport and Ontelaunee Township, **Berks County.** Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Ontelaunee Orchards, Inc., PO Box 1361, Reading, PA 19612 and Lift, Inc., 3745 Hempland Road, Mountville, PA 17554, submitted a Final Report concerning remediation of site soils contaminated with arsenic. The Final Report demonstrated attainment of the Non-Residential Site Specific standard, and was approved by the Department on December 4, 2013.

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

**Penn Valley Airport**, 101 Airport Road, Monroe Township, **Snyder County.** Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Heritage Aviation-Penn Valley Airport, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xylene, Naphthalene, Cumene, 1,2,4-Trimethylbenzene, 1,2-Dibromoethane, 1,2-Dichloroethane, 1,3,5-Trimethylbenzene, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 25, 2013.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. 101243. Northern Tier Solid Waste Authority**, P.O. Box 10, Burlington, PA 18814, West Burlington Township, **Bradford County.** The permit modification is for processing of clean wood waste into mulch and compost at the Bradford County Landfill. The permit was issued by Northcentral Regional Office on December 6, 2013.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Permits renewed under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste



Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200*

**Permit No. 100009 Lancaster County Solid Waste Management Authority** (LCSWMA Transfer Station) 1299 Harrisburg Pike, Lancaster, PA 17604-4425. The permit for the LCSWMA Transfer Station located in Manheim Township, **Lancaster County**, which expires April 12, 2014 was renewed until April 12, 2024. The permit renewal was issued on December 10, 2013. This permit is issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**GP3-58-006: Popple Construction, Inc.** (215 East Saylor Avenue, Laflin, PA 18702) on December 06, 2013, to install and operate a portable screen at their facility in Rush Township, **Susquehanna County**.

**GP9-58-006: Popple Construction, Inc.** (215 East Saylor Avenue, Laflin, PA 18702) on December 06, 2013, to install and operate a diesel fired I.C Engine at the facility in Rush Township, **Susquehanna County**.

**GP10-40-001: Kappa Graphics, L.P.** (50 Rock Street, Pittston, PA 18640) on December 03, 2013, to construct and operate a non-heatset web offset lithographic printing press at their facility in Hughestown Borough, **Luzerne County**.

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

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

**GP9-49-342: Weis Markets, Inc.** (16 South Industrial Park Road, Milton, PA 17847) on December 4, 2013, to construct and operate a 4,423 bhp Caterpillar C-175-16 diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or #2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their Milton Warehouse in Milton Borough, **Northumberland County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP1-10-047A: BASF Corp.** (1424 Mars-Evans City Road, Evans City, PA 16033-9360) on December 4, 2013, for the construction of a 14.288 mmbtu/hr (350 hp) natural gas fired boiler (BAQ-GPA/GP-1) located in Forward Township, **Butler County**.

**GP14-10-388A: Peaceful Pastures, LLC** (168 Stanford Road, Portersville, PA 16051) on November 27, 2013, to operation of one (1) large animal crematory manufactured by NCE-Crawford, Model No. CB1600, rated 400 lbs/hr, max loading of 3,200 pounds, two (2) primary chamber burners each rated 0.50 mmBtu/hr, and one (1) secondary chamber burner rated 2.0 mmBtu/hr (BAQ-GPA/GP14) located in Muddy Creek Township, **Butler County**.

**GP3-37-332A: Amerikohl Aggregates, Inc.—McMillin Mine** (609 Chewton-Wurtemberg Rd., Wampum, PA 16157) on November 27, 2013, to install and operate additional sources at their existing portable nonmetallic mineral processing plant, consisting of the following units, Metso ST620 screen, three (3) associated conveyors (BAQ-GPA/GP-3) in Wayne Township, **Lawrence County**.

**GP11-37-332B: Amerikohl Aggregates, Inc.—McMillin Mine** (609 Chewton-Wurtemberg Rd., Wampum, PA 16157) on November 27, 2013, to install and operate two (2) diesel or #2 fuel fired nonroad internal combustion engines, Caterpillar C15, Caterpillar C6.6 (BAQ-GPA/GP-11) located in Wayne Township, **Lawrence County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**46-0001A: JBS Souderton, Inc.** (741 Souder Road, Souderton, PA 18964) on December 6, 2013, to install a flue gas recirculation system on an existing 25.4 MMBtu/hr York Shipley Boiler (Source ID 031) at their rendering plant in Franconia Township, **Montgomery County**. JBS is a major source of Nitrogen Oxide (NO<sub>x</sub>) emissions, currently operating under Title V Operating Permit No. 46-00001. The installation will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. The source is not subject to Compliance Assurance Monitoring pursuant to 40 CFR Part 64 because the potential pre-control NO<sub>x</sub> emissions are less than the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area (25 tpy). The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05040C: East Penn Manufacturing Co.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on December 3, 2013, to install two new dust collectors to ventilate the smelter building, and installation of a secondary HEPA filtration on the existing baghouse C04, which controls the Material Storage Room Ventilation, at the East Penn Manufacturing Smelter facility in Richmond Township, **Berks County**.

**ER-28-05012C: Volvo Construction Equipment NA, LLC** (312 Volvo Way, Shippensburg, PA 17257-9209) on

December 4, 2013, for an Air Quality Emission Reduction Credit (ERC) approval of 5.81 tons of volatile organic compounds (VOC) from the shutdown of Source 102 (Clean & Prime Paint Booth), at the heavy construction equipment manufacturing facility in Shippensburg Borough, **Franklin County**.

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

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

**19-00024A: Benton Foundry Inc.** (5297 State Route 487 Benton, PA 17814-6711) on November 27, 2013, for construction of additional robotic and manual grinders and the replacement of a fabric collector in their finishing department of the foundry in Sugarloaf Township, **Columbia County**.

**59-00017E: Hitachi Metals Automotive Components USA, LLC** (18986 Route 287, Tioga, PA 16946-8815) on December 4, 2013, to modify the material throughput and emission limitations of numerous foundry sources and for the installation of an air cleaning device, a regenerative thermal oxidizer, for the control of air contaminant emissions from two foundry sources at their facility located in Lawrence Township, **Tioga County**. This is a State Only (Synthetic Minor) facility for which an operating permit has been issued.

*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*

**65-01026A: BenBilt Building Systems, LP** (123 BenBilt Place, Greensburg, PA 15601) on December 4, 2013, allow the installation and operation of four (4) new manual spray booths for surface coating of metal and fiberglass doors at their Finishing and Assembly Plant in Unity Township, **Westmoreland County**.

**26-00500B: Alpha Pa Coal Terminal** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on December 4, 2013, to allow to transfer clean coal from barge to rail with all new equipment at their LaBelle facility located in Luzerne Township, **Fayette County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0200C: John Middleton, Inc.** (475 North Lewis Road, Limerick, PA 19468) on December 5, 2013, for operation of a new 500 hp natural gas-fired boiler in Upper Merion Township, **Montgomery County**.

**15-0061B: Phoenixville Hospital Company, LLC.** (140 Nutt Road, Phoenixville, PA 19460) On December 5, 2013, for the operation of a catalytic converter in Phoenixville Borough, **Chester 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.*

**36-05154A: Mount Joy Wire Corp.** (1000 East Main Street, Mount Joy, Pennsylvania 17552) on December 2, 2013, for installation and temporary operation of a spark ignition Reciprocating Internal Combustion Engine (RICE) for a combined heat and power project at their wire manufacturing facility in Mount Joy Borough, **Lancaster County**. The plan approval was extended.

**01-05037B: Gettysburg Energy & Nutrient Recovery Facility, LLC** (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409) on December 4, 2013, for construction and temporary operation of an energy and nutrient recovery facility utilizing egg layer manure in Tyrone Township, **Adams County**. The plan approval was extended, with a compliance schedule.

**01-05022B: Knouse Foods Cooperative, Inc.** (1505 Orrtanna Road, Orrtanna, PA 17353) on December 4, 2013, for the 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.

**29-05001B: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9502) on December 4, 2013, for installation of a zeolite wheel concentrator and a regenerative thermal oxidizer to replace an existing zeolite wheel concentrator and a recuperative thermal oxidizer, to control the volatile organic compound (VOC) emissions generated from the operation of the Boom Line Spray Paint Booths (Sources 114 and 115) at the McConnellsburg Lift Truck Plant in Ayr Township, **Fulton 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*

**19-00028A: White Pines Corp.** (515 State Route 442, Millville, PA 17846) on November 26, 2013, for authorization to continue operation of the leachate pre-treatment plant another 180 days from November 27, 2013, to May 26, 2014, in order to continue the ongoing compliance evaluation and incorporate the plan approval requirements into the facility's operating permit. The White Pines Landfill facility is in Pine Township, **Columbia County**. The plan approval has been extended.

**14-00002H: Graymont (PA), Inc.** (965 E. College Ave., Pleasant Gap, PA 16823) on December 3, 2013 to extend the authorization an additional 180 days from December 16, 2013, to June 14, 2014, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility in Spring Township, **Centre County**. 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*

**11-00423A: Johnstown Wire Technologies, Inc.** (124 Laurel Avenue, Johnstown, Cambria County, PA 15906-2246) on December 17, 2013, to continue the 180-day period of temporary operation of their New Cleaning House at Johnstown Wire Plant in Johnstown Township, **Cambria County**. The plan approval has been extended.

**63-00965A: M3 Appalachia Gathering, LLC** (1099 Main Avenue, Suite 210, Durango, CO 81301) on December 6, 2013, for a Plan Approval Extension issuance date



effective January 08, 2014, to allow 180-day period for construction and operation of remaining sources at Twilight Compressor Station located in West Pike Run Township, **Washington County**. The plan approval has been extended.

**03-00250: Long Run Mine**, (301 Market Street, Kit-tanning PA 16201) on December 6, 2013, for a Plan Approval Extension issuance date effective Jan18, 2014, to grant 180 days Plan Approval extension for their Coal Preparation Plant at Long Run Mine site located in West Franklin Township, **Armstrong County**. The plan approval has been extended.

**32-00428A: Creps United Publications, LLP** (1163 Water Street, Indiana, PA 15701) on December 9, 2013, as a result of equipment startup at Creps United Publications, LLP's new commercial printing facility in White Township, **Indiana County**. Temporary operation is authorized to facilitate shakedown of the printing presses and the plan approval expiration date has been changed to June 13, 2014. The plan approval has been extended.

**04-00738A: Aliquippa Metal Recovery, LLC** (100 Bet Tech Drive, Aliquippa, PA 15001) on December 9, 2013, as a result of equipment startup at Aliquippa Metal Recovery's slag processing and metals recovery facility located in Hopewell Township, **Beaver County**. Temporary operation is authorized to facilitate shakedown of the crusher and the plan approval expiration date has been changed to June 6, 2014. The plan approval has been extended.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**20-040I: Advanced Cast Products** (18700 Mill Street, Meadville, PA 16335) on December 3, 2013, effective, December 31, 2013, will issue a plan approval extension for the installation of a new particulate matter collection and control system for the facility's charge & pre-heating process (Process 101) and the facility's melting-transfer magnesium treatment process (Process 102) in Vernon Township, **Crawford County**. This is a Title V facility. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

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

**23-00017: Exelon Generation Co.—Eddystone Generating Station** (One Industrial Highway, Eddystone, PA, 19022) on December 6, 2013, for a renewal of the Title V Operating Permit in Eddystone Borough, **Delaware County**. The previous permit was issued on 10-23-2008. The facility is primarily used for providing electrical energy from two fossil-fuel steam generating units. As a result of potential emissions of NO<sub>x</sub>, SO<sub>x</sub>, and PM, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64) for Particulate Matter for

Sources 031 and 032, and this regulation was previously addressed in 2008. The facility is subject to the MACT regulations, found in 40 CFR 63, Subparts DDDDD and UUUUU which have been incorporated into the TVOP. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**48-00004: Essroc Cement Corporation, Plants I, II, and III** (Route 248 & Easton Road, Nazareth, PA 18064) on November 27, 2013 for operation of Portland cement manufacturing in Lower Nazareth Township, **Northampton County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility are a Kiln, Clinker Cooler, and Finishing Mills that are controlled by baghouses (dust collectors). The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-05114: BAE Systems Land & Armaments LP** (PO Box 15512, York, PA 17405-1512) on November 25, 2013, for their armored military vehicle manufacturing/refurbishing facility in West Manchester Township, **York County**. The Title V permit was renewed.

**36-05018: Aquatic Co.** (40 Industrial Road, Elizabethtown, PA 17022-9425) on December 4, 2013, for their fiberglass bathtub and shower manufacturing facility in West Donegal Township, **Lancaster County**. The Title V permit was renewed.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00923: Energy Systems North East LLC—North East Cogeneration Plant** (Pepco Holdings, Incorporated 630 Martin Luther King Jr. Blvd. Wilmington, DE 19801) on December 5, 2013, issued the renewal of the Title V Operating Permit and the Phase II Acid Rain Permit for each of the affected units at the facility in North East Township, **Erie County**. The facility generates electricity for sale to the electric grid using two natural gas-fired turbines, each equipped with duct burners. The CO emissions are controlled by CO catalysts. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit NO<sub>x</sub> and CO emissions. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**33-00140: Dominion Transmission, Inc.** (501 Martindale Street, Suite 400, Pittsburgh, PA 15212) on December, 2013, administratively amended the Title V Operating Permit for the Punxsutawney Compressor Sta-

tion in Perry Township, **Jefferson County**. The amendment incorporates the requirements of plan approval 33-140B.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**15-00025: Transwall Office System, Inc.** (1220 Wilson Drive, West Chester, PA 19380) on December 6, 2013, for operation of an office furniture manufacturing plant in West Goshen Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap their VOCs and HAPs to Minor Source threshold levels; the facility is a Synthetic Minor. This action is a renewal of the State-only Operating Permit. There are no new sources at the facility; Source ID 105 and 106 (Paint Booths) have been permanently dismantled and decommissioned. The surface coating regulation applicable to the paint spray booths (Source ID 101-104) has been revised to include metal furniture surface coating processes (25 Pa. Code § 129.52a). Adhesives applied at Source ID 109 and 110 (Glue Spray Booths 1 & 2) are subject to the requirements of 25 Pa. Code § 129.77. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**23-00068: Cremation Specialists, Inc.** (43 East Baltimore Avenue, Media, PA 19063) on December 6, 2013, for operation of a crematorium in Media Borough, **Delaware County**. This action is a renewal of the State Only Operating Permit. The original State Only Operating Permit was issued on October 25, 2002 and subsequently renewed on October 1, 2008. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The permit renewal includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**46-00248: Pottstown Borough Montgomery County** (1269 Industrial Highway, Pottstown, PA 19464) on December 6, 2013, for renewal of a State-Only Operating Permit to operate a sewage sludge dryer in Pottstown Borough, **Montgomery County**. This Operating Permit includes monitoring and recordkeeping designed to ensure this facility complies with all applicable 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.*

**06-03078: Materion Brush, Inc.** (PO Box 128, Shoemakersville, PA 19555) on December 2, 2013 for the beryllium-copper alloy parts manufacturing facility in Perry Township, **Berks County**. The State-only permit was renewed.

**36-03063: Kearney A. Snyder Funeral Home, Inc.** (141 E. Orange Street, Lancaster, PA 17602-2851) on December 3, 2013 for the human crematory facility in Lancaster City, **Lancaster County**. The State-only permit was renewed.

**36-03142: Haines & Kibblehouse, Inc.** (2052 Lucon Road, PO Box 196, Skippack, PA 19474) on December 5, 2013, for their stone crushing operations at the Silver Hill Quarry in Brecknock Township, **Lancaster County**. The State-only permit was renewed.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-00769: Raven Industries, Inc.** (5049 Center Drive, Latrobe, PA 15650) on December 3, 2013, to issue a State Only Operating Permit for a toner and developer manufacturing operation located in Unity Township, **Westmoreland County**. The subject facility consists of various mixers, extruders, and chippers. Four baghouses are used as controls for particulate emissions before exhausting to the atmosphere. The potential emissions are calculated at 23.5 tons per year particulate matter. All other criteria pollutants are insignificant. The facility is required to conduct daily surveys of the facility to ensure compliance with the visible emission, fugitive emission, and malodor restrictions and maintain records of each survey. The facility is limited to a 0.02 gr/dscf particulate. The proposed authorization is subject to State and Federal regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

**11-00062: Quaker Sales Corporation—Northern Cambria Plant** (336 Shawna Road Northern Cambria, PA 15714) on December 9, 2013, to issue a State Only Operating Permit renewal for operation of a hot mix asphalt plant located in Susquehanna Township, **Cambria County**. The subject facility consists of one hot mix batch asphalt plants rated at 250 tons per hour. The batch plant is limited to 495,000 tons production in any consecutive 12-month period. The site is equipped with (3) asphalt cement tanks and (4) hot mix asphalt storage silos. The facility has the potential to emit: 99 tpy CO; 30 tpy NO<sub>x</sub>; 22 tpy SO<sub>x</sub>; 13 tpy VOC; 11 tpy PM and 7 tpy PM<sub>10</sub>. The facility is required to conduct annual burner tune up tests and stack testing for all criteria pollutants every five years. The facility must perform daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**10-00359: MarkWest Liberty Bluestone, LLC—Sarsen Plant** (774 Prospect Road, Evans City, PA 16033) on December 3, 2013, for issuance of initial Natural Minor Operating Permit in the Jackson Township, **Butler County**. The facility is processing the natural gas and, transporting it to the consumers. The facility's emitting sources include: 1) Inlet Compressors (4), 2) Residue Compressors (3), 3) Refrigerant Compressors (2), 4) Dehydrator /Reboiler, 5) Emergency Generator, 6) Process Heaters, 7) Truck Loading, 8) Condensate Tanks (2) and, 9) Gas processing plant. The emergency generators and compressors are subject to 40 CFR Part 60 Subpart IIII. All applicable conditions of 40 CFR Part 60, Subpart IIII have included in the permit. The sources of this facility is not subject to 40 CFR Part 60 Subpart OOOO because the source were installed before August 23, 2011 as stated



in § 60.5360. All applicable conditions of 40 CFR Part 60 Subpart KKK and VV in compressor engines have included in the permit. The facility is natural minor because; the emissions of pollutants from the facility are less than Title V threshold limits. Potential emissions of the pollutants are NO<sub>x</sub>: 40 Tons per year (TPY), CO: 81 TPY, VOC: 37 TPY, PM<sub>-10</sub>: 4 TPY, HAPs: 7 TPY, SO<sub>x</sub>: 0.3 TPY, CO<sub>2</sub>, N<sub>2</sub>O and CH<sub>4</sub> (Greenhouse gases) total: 56675.00 TPY.

**25-00360: The Electric Materials Co.** (PO Box 390, North East, PA 16428) on November 26, 2013, renewed a State Only Operating Permit for the copper products manufacturing facility in the Borough of North East, **Erie County**. The facility is a Synthetic Minor. The primary sources at the facility include emissions from furnaces including induction furnaces, degreasing operations including a Trichloroethylene vapor degreaser, shot blasting operations, dip tanks, core machines, natural gas combustion units, and a natural gas fueled emergency generator. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. This facility is subject to the following MACT standards for which the applicable requirements are included in the renewal permit: 40 CFR Part 63 Subpart T—National Emission Standards for Halogenated Solvent Cleaning; 40 CFR Part 63 Subpart ZZZZ—NESHAP for Stationary RICE; 40 CFR Part 63 Subpart ZZZZZZ—NESHAP for Aluminum, Copper, and Other Nonferrous Foundries. The facility has taken federally-enforceable emissions restrictions of less than 25 tons VOCs per year and less than 10 tons any individual HAP per year and less than 25 tons all HAPs combined per year. Potential emissions from the facility are <10 tpy for any single HAP and <25 tpy total HAPs; VOC's <50 tpy; NO<sub>x</sub>, 45.81 tpy; SO<sub>x</sub>, 0.17; CO, 17.48 tpy; PM, 93.05 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**33-00144: National Fuel Gas Supply Corp.—Heath Station** (PO Box 2081 Erie, PA 16512-2081) on December 9, 2013, issued an administrative amendment to the State Only Operating Permit for the natural gas transmission station located in Heath Township, **Jefferson County**. The amendment incorporates the permit contact information and incorporates the applicable requirements of the amended requirements of 40 CFR 63 Subpart ZZZZ (RICE MACT) as amended on January 13, 2013 in the Federal Register (78 FR 6674).

**42-00147: W. R. Case & Sons Cutlery Co.** (PO Box 4000, Bradford, PA 16701) on December 3, 2013, renewed a State Only Operating Permit for their cutlery manufacturing facility in Bradford Township, **McKean County**. The primary sources at the facility include manufacturing equipment controlled by 5 dust collectors, 2 parts cleaners, 5 natural gas space heaters, and a 30 kW natural gas fueled emergency generator. Potential emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The emergency generator is subject to 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**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.**

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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.*

**07-05021: Albemarle Corp.** (2858 Back Vail Road, Tyrone, PA 16686-8100) on December 2, 2013, for the specialty chemical manufacturing facility in Tyrone Borough, **Blair County**. The State-only permit was administratively amended to incorporate the provisions of Plan Approval No. 07-05021A and GP2-07-05021.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00177: Coresco, LLC** (300 Dents Run Rd, Morgantown, WV 26501) on December 5, 2013, an administrative amendment to Dooley Run Terminal State Only Operating Permit (SOOP) to change the facility's contact information. Dooley Run Terminal is located in Dunkard Township, **Greene County**.

## **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

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### *Coal Permits Issued*

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

**Permit No. 11130103 and NPDES No. PA0269204. Laurel Sand & Stone Inc.,** 210 E. Main Street., P. O. Box 556, Ligonier, PA 16568, commencement, operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County**, affection 264.0 acres. Receiving streams: unnamed tributaries to/and South Branch Blacklick Creek; unnamed tributaries to/and Bracken Run, classified for the following use: cold water fishery. This permit includes a Chapter 105 stream encroachment authorization to upgrade two existing stream crossings across unnamed tributaries to South

Branch of Blacklick Creek for use as a haul road. The permit also includes a Section 401 Water Quality Certification. There are no potable water supply intakes within 10 miles downstream. Application received: May 20, 2013. Permit issued: November 26, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**65110101 and NPDES Permit No. PA0252140. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Revision to add auger mining to an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 188.2 acres. Receiving stream: unnamed tributary to Youghiogheny River. Application received: August 7, 2013. Permit issued: December 5, 2013.

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

**61120107. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous surface mine to add 0.2 acre in Irwin Township, **Venango County** affecting a total of 62.7 acres. Receiving streams: Unnamed tributaries to Scrubgrass Creek. Application received: September 19, 2013. Permit Issued: December 4, 2013.

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

**19961301R2. Burnrite Coal Company**, (231 Thomas Road, Elysburg, PA 17824), renewal for reclamation activities only of an anthracite underground mine operation in Conyngham Township, **Columbia County** affecting 3.0 acres, receiving stream: none. Application received: April 11, 2008. Renewal issued: December 9, 2013.

#### *Noncoal Permits Issued*

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

**08950804. Myron Bristol** (13894 Route 6, Troy, PA 16947). Final bond release for a small industrial minerals surface mine in West Burlington Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): Unnamed Tributary to North Branch of Sugar Creek. Application received: October 25, 2013. Final bond release approved: December 5, 2013.

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

**58132803. Gustin Stone Supply, Inc.**, (2390 Creamton Road, Lakewood, PA 18439), commencement, operation and restoration of a bluestone quarry operation in Gibson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Butler Creek. Application received: June 3, 2013. Permit issued: December 9, 2013.

**58132803GP104. Gustin Stone Supply, Inc.**, (2390 Creamton Road, Lakewood, PA 18439), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132803 in Gibson Township, **Susquehanna County**, receiving stream: Butler Creek. Application received: June 3, 2013. Permit issued: December 9, 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 Issued*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**02134102. Wampum Hardware Co.** (533 Old Lincoln Highway, Stoystown, PA 15563). Blasting activity permit for the construction at the Kelly Run II landfill, located in Forward Township, **Allegheny County** with an exploration date of December 31, 2014. Blasting permit issued: November 23, 2013.

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

**23134109. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Concord Spring Valley in Concord Township, **Delaware County** with an expiration date of November 19, 2014. Permit issued: December 3, 2013.

**46134123. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting at Graterford Prison in Skippack Township, **Montgomery County** with an expiration date of November 20, 2014. Permit issued: December 3, 2013.

**35134111. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Dobrinski gas pad in Glenburn and West Abington Townships, **Lackawanna County** with an expiration date of December 3, 2014. Permit issued: December 4, 2013.

**66134124. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Robinson gas pad in Tunkhannock Township, **Wyoming County** with an expiration date of March 31, 2014. Permit issued: December 4, 2013.

**38134130. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Strathford Meadows in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2014. Permit issued: December 9, 2013.

**39134111. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Bennett Infiniti in the City of Allentown, **Lehigh County** with an expiration date of December 3, 2014. Permit issued: December 9, 2013.

## 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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**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.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E41-649. Williams Gas Pipeline—Transco**, 66 Faber Road, Princeton, NJ 08540. Loyalsock Creek Restoration 2013 Stabilization for the existing interstate gas pipeline stream crossing in Loyalsock and Fairfield Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle Lat: 41° 16' 50.22"; Long: -76° 54' 56.98").

**Williams-Transcontinental Gas Pipeline** (Transco) has applied for a Water Obstruction and Encroachment

Permit Application to construct, operate and maintain an existing gas pipeline crossing over Loyalsock Creek in Loyalsock and Fairfield Township, **Lycoming County**. Transco operates four (4) interstate natural gas pipelines, known as the Leidy Lines (A, B, C and D) within a 125-foot wide pipeline easement crossing the Loyalsock Creek.

The scope of this project entails stabilizing areas of active erosion along the west side island bank that is located along the eastern main flow channel of the Loyalsock Creek. This stabilization proposal is part of continuing efforts to stabilize this area following substantial damage to the stream, streambed and surrounding area that was caused by Hurricane Irene and Tropical Storm Lee in 2011.

The proposed improvements will not have any effect on the floodway, which is located on Loyalsock Creek and is classified as Exception Value (EV) waterway.

The construction of the proposed site will include establishing a temporary creek crossing in the work area, installing rip rap along the western island bank in the area of the pipeline, installing a "J-Hook" vane to redirect water flow energy currently against the bank to the thalweg located in the center of the stream. Work will be facilitated through installation of a temporary water diversion upstream to enable flow bypass and maintenance of flow in the stream and work area at all times. Upon project completion, the creek crossing and temporary diversion will be removed.

**E60-216. White Deer Township Sewer Authority**, PO Box 90, West Milton, PA 17886-0090. White Deer Pike Pump Station, in White Deer Township, **Union County**, ACOE Baltimore District (Milton, PA Quadrangle N: 41°04'32.8"; W: -76°52'20.6").

To construct and maintain: 1) replacement pump station, pumps, wet well and sections of gravity & force sewer mains; 2) a raised platform with an elevated control panel; 3) the conversion of the existing wet well to a manhole along State Route 1011. This permit was issued under Section 105.13(e) "Small Projects" and Chapter 106.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E10-484. Columbia Gas of PA Inc.**, 4000 Energy Drive, Bridgeville PA 15017 in Mercer Township and Marion Township, **Butler County** (ACOE Pittsburgh) to relocate approximately 0.85 mile of the existing line D-22 natural gas pipeline and install approximately 2.55 miles of new natural gas pipeline within existing pipeline ROW and PennDOT roadway ROW including the following impacts:

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**Wetland:**

RC 2: WPA-DLC-005, 281LF, open trench, 0.33 ac temp, N: 41° 06' 47.88"; W: -79° 59' 36.24"  
 RC 3: WPA-DLC-006, 140LF, EV, HDD, no impact, N: 41° 06' 50.39"; W: -79° 59' 29.04"  
 RC 4: WPA-DLC-006, 58LF, EV, HDD, no impact, N: 41° 06' 50.39"; W: -79° 59' 29.04"  
 RC 7: WPA-DLC-001, 67LF, open trench, 0.02 ac perm, N: 41° 07' 36.48"; W: -79° 58' 18.84"  
 RC 8: WPA-DLC-001, 18LF, open trench, 0.005 ac perm, N: 41° 07' 36.48"; W: -79° 58' 18.84"

**Stream:**

RC 1: UNT McMurray Run, 3LF, open trench, N: 41° 06' 35.64"; W: -79° 59' 51.72"  
 RC 5: McMurray Run, 20 LF; open trench, N: 41° 06' 51.84"; W: -79° 59' 24.36"  
 RC 6: UNT McMurray Run, 16LF; open trench, N: 41° 07' 42.60"; W: -79° 58' 54.48"  
 RC 7: UNT McMurray Run, 4LF; open trench, N: 41° 07' 37.20"; W: -79° 58' 18.84"  
 RC 9: UNT N. Branch Slippery Rock Creek, 6LF, open trench, N: 41° 07' 30.36"; W: -79° 57' 25.92"



Total impacts include 0.33 acre temporary wetland impact, 0.02 acre permanent wetland impact (conversion of wetland from PSS to PEM), and 49 LF temporary impact to streams.

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

**E5929-040: SWEPI LP.**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a permanent access road, a permanent wetland fill, removal of unauthorized fill, and wetland enhancement activities impacting 4.41 acres of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47'14"N 77°11'06"W) at the Avery Well Pad purchased by SWEPI LP.

This application is in response to a Notice of Violation from well pad and site access construction that resulted in 0.42 acre of permanent wetland impacts. The resulting on site mitigation project will cause 3.99 acres of temporary wetland impacts to restore and enhance impacted wetlands in Charleston Township, Tioga County.

**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), 402 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 958 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°19'39.58");

3. 40.0 linear feet of Beldin Hollow (HQ-CWF, MF) and 285 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands 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, 687 square feet (0.02 acre) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 958 square feet (0.02 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.

#### **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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0058—NIBA-S002, Pipeline Project Applicant EQT Gathering LLC  
Contact Mr. Brian Clauto  
Address 455 Racetrack Road  
City Washington State PA Zip Code 15301  
County Butler Township(s) Clinton(s)  
Receiving Stream(s) and Classification(s) UNTs to Lardintown Run / Bull Creek Watershed / Lower Allegheny River Watershed

ESCGP-1 #ESX13-073-0014—Pulaski Whiting South Well Pad  
Applicant Hilcorp Energy Company  
Contact Ms. Stephanie McMurray  
Address 1201 Louisiana Street, Suite 1400  
City Houston State TX Zip Code 77002  
County Lawrence Township(s) Pulaski(s)  
Receiving Stream(s) and Classification(s) UNT 35874 to Shenango River and UNT 63382 to Shenango River

ESCGP-1 #ESG13-073-0006  
Applicant Pennant Midstream, LLC  
Contact Chad Zamarin  
Address 5151 San Felipe, Suite 2500  
City Houston State TX Zip Code 77056  
County Lawrence Township(s) Mahoning, North Beaver, Pulaski, Union, (s)  
County Mercer Township(s) Jefferson, Lackawannock, Shenango, and Wilmington  
Receiving Stream(s) and Classification(s) Lackawannock Creek, UNT to Lackawannock Creek, UNT to Little Neshannock Creek, Little Neshannock Creek, UNT to Harthegig Run, Harthegig Run, UNT to Sugar Creek, UNT to West Branch Little Neshannock Creek, UNT to Buchanan Run, Buchanan Run, UNT to Shenango River, Shenango River, UNT to Mahoning River, Mahoning River, UNT to Hickory Run, Hickory Run—TSF, WWF, CWF



ESCGP-1 #ESX13-019-0036—Pittsburgh Mills Pipeline Project

Applicant Superior Appalachia Pipeline, LLC  
 Contact Kenneth Magyar  
 Address 1000 Town Center Way, Suite 120  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Clinton & Buffalo(s)  
 Receiving Stream(s) and Classification(s) Bull Creek Watershed TSF

ESCGP-1 #ESX13-073-0010—Mahoning Burkhardt Well Pad

Applicant Hilcorp Energy Company  
 Contact Stephanie McMurray  
 Address 1201 Louisiana Street, Suite 1400  
 City Houston State TX Zip Code 77002  
 County Mahoning Township(s) Lawrence(s)  
 Receiving Stream(s) and Classification(s) Mahoning River, Beaver River, WWF

ESCGP-1 #ESX13-019-0056—W74 to W73 Temporary Waterline

Applicant PennEnergy Resources, LLC  
 Contact Joseph Schwab  
 Address 1000 Commerce Drive, Park Place One, Suite 100  
 City Pittsburgh State PA Zip Code 15275-1063  
 County Butler Township(s) Clinton(s)  
 Receiving Stream(s) and Classification(s) UNTs to Lardintown Run/Bull Creek Watershed, Lower Allegheny River Watershed, Bull Creek—TSF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-115-0116

Applicant Name Williams Field Svc Co, LLC  
 Contact Person Lauren Miladinovich  
 Address Park Place Corporate Center 2, 2000 Commerce Dr.  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Bridgewater Township  
 Receiving Stream(s) and Classification(s) Tribs 29433 and 29432 to Meshoppen Creek, (CWF);  
 Secondary: Meshoppen Creek, Susquehanna River

ESCGP-1 # ESX13-015-0067

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Benjamin Younkin  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Wells Township  
 Receiving Stream(s) and Classification(s) South Creek (CWF)

ESCGP-1 # ESX13-115-0114 (01)

Applicant Name Williams Field Svc Co, LLC  
 Contact Person Julie Nicholas  
 Address Park Place Corporate Center 2, 2000 Commerce Dr.  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) Horton Creek, Monroe Creek, Meshoppen Creek, Pond Brook and Tribs thereof (All CWF/MF)

ESCGP-1 # ESX13-115-0132

Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276

County Susquehanna County  
 Township(s) Lathrop Township  
 Receiving Stream(s) and Classification(s) UNT to Martins Creek (CWF/MF)

ESCGP-1 # ESG13-113-0017

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Randy DeLaune  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan County  
 Township(s) Elkland Township  
 Receiving Stream(s) and Classification(s) Lake Run, Elk Creek and Tribs to the aforementioned streams (EV);  
 Secondary: UNTs to waters listed above

ESCGP-1 # ESX13-117-0028

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Benjamin Younkin  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga County  
 Township(s) Lawrence and Jackson Townships  
 Receiving Stream(s) and Classification(s) Harts Creek, Smith Creek (WWF/MF)

ESCGP-1 # ESG13-081-0064

Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Nicholas Bryan  
 Address 101 West Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) UNT to Trout Run (HQ-CWF/MF);  
 Secondary: Trout Run (HQ-CWF/MF)

ESCGP-1 # ESG13-117-0025

Applicant Name Seneca Resources Corporation  
 Contact Person Doug Kepler  
 Address 5800 Corporate Drive, Suite 300  
 City, State, Zip Pittsburgh, PA 15237  
 County Tioga County  
 Township(s) Bloss Township  
 Receiving Stream(s) and Classification(s) Boone Run, (2) UNTs to Johnson Creek (EV);  
 Secondary: Tioga River

ESCGP-1 # ESX13-115-0137

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Choconut Township  
 Receiving Stream(s) and Classification(s) UNTs to Choconut Creek (WWF/MF)

ESCGP-1 # ESX13-115-0133

Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Brooklyn Township  
 Receiving Stream(s) and Classification(s) UNT 62300 to Martins Creek, UNT 98073 to Martins Creek, Martins Creek 7413, Hop Bottom Creek 4923 (All CWF/MF)

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

ESCGP-2 No: ESX13-125-0074

Applicant Name: CNX Gas Company LLC  
 Contact Person Ms Tara Meek

Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township: Morris  
 Receiving Stream (s) And Classifications: UNT to Ten Mile Creek and Short Creek; Other Trout Stocked Fishery

ESCGP-2 No.: ESX13-059-0048  
 Applicant Name: Energy Corporation of America  
 Contact Person: Mr Travis Wendel  
 Address: 101 Heritage Run Road Suite #1  
 City: Indiana State: PA Zip Code: 15701  
 County: Greene Township(s): Gilmore  
 Receiving Stream(s) and Classifications: Negro Run and Garrison Fork; Other WWF

ESCGP-2 No.: ESG13-125-0053  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 Contact Person: Mr Rick Lowry  
 Address: 4600 J. Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Buffalo, Canton  
 Receiving Stream(s) and Classifications: UNTs to Brush Run; HQ

ESCGP-2 No.: ESX13-005-0017  
 Applicant Name: EQT Gathering LLC  
 Contact Person: Mr Brian M Clauto  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Armstrong Township(s): Plumcreek  
 Receiving Stream(s) and Classifications: Fagley Run (WWF), Sugar Run (WWF), UNTs to Crooked Creek (WWF); Other Warm Water Fishes

ESCGP-2 No.: ESG13-129-0008  
 Applicant Name: CONE Gathering LLC  
 Contact Person: Ms Tara R Meek  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 COUNTY Westmoreland Township(s): Washington  
 Receiving Stream(s) and Classifications: UNT to Beaver Run, UNT to Thorn Run; HQ

ESCGP-2 No.: ESX13-125-0047  
 Applicant Name: Noble Energy Inc.  
 Contact Person: Mr Christopher London  
 Address: 333 Technology Drive, Suite 116  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): West Finley  
 Receiving Stream(s) and Classifications: 3 UNTs to Robinson Fork / Wheeling Creek Robinson Fork/Wheeling Creek; Other WWF; Siltation-impaired

ESCGP-2 No.: ESX11-059-0072 Major Revision  
 Applicant Name: Vista Gathering LLC  
 Contact Person: Mr Mike Hopkins  
 Address: 226 Elm Drive Suite 102  
 City: Waynesburg State: PA Zip Code 15370  
 County: Greene Township(s): Franklin  
 Receiving Stream(s) and Classifications: UNT South Fork Tenmile Creek/Monongahela River UNT Grimes Run / Monongahela River Grimes Run / Monongahela River Bradens Run / Monongahela River; Other WWF

ESCGP-2 No.: ESX13-059-0040  
 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: UNT to Craynes Run (WWF); Other WWF

ESCGP-2 No.: ESX13-059-0055  
 Applicant Name: EQT Production  
 Contact Person: Mr Todd Klaner  
 Address: 455 Racetrack Road Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: UNT to South Fork Tenmile Creek/Tenmile Creek; Other Warm Water Fishery

ESCGP-2 NO.: ESX13-125-0071  
 Applicant Name: EQT Production Co  
 CONTACT PERSON: Mr Todd Klaner  
 ADDRESS: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Washington Township(s): East Bethlehem  
 Receiving Stream(s) and Classifications: 3 UNTs to Tenmile Creek—TSF Tenmile Creek—TSF Tenmile Creek Watershed; Other TSF

ESCGP-2 NO.: ESG13-063-0010  
 Applicant Name: CONE Gathering LLC  
 CONTACT: Mr Daniel Bitz  
 ADDRESS: 1000 Consol Energy Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Indiana Township(s): North Mahoning  
 Receiving Stream(s) and Classifications: Mudlick Run & Little Mahoning Creek—All are designated HQ-CWF, in Ch 93; HQ

ESCGP-2 NO.: ESX13-125-0081  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 CONTACT: Mr Rick Lowry  
 ADDRESS: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Chartiers  
 Receiving Stream(s) and Classifications: UNTs to Chartiers Run, Chartiers Run, UNTs to Chartiers Creek; Other WWF; Siltation-Impaired

ESCGP-2 NO.: ESX13-059-0051  
 Applicant Name: Vista Gathering LLC  
 CONTACT: Mr Mike Hopkins  
 ADDRESS: 228 Elm Drive Suite 102  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Jefferson  
 Receiving Stream(s) and Classifications: 9 UNTs to Muddy Creek; Other WWF

ESCGP-2 NO.: ESX13-059-0058  
 Applicant Name: EQT Gathering LLC  
 CONTACT: Ms Hanna E McCoy  
 ADDRESS: 625 Liberty Avenue, Suite 1700  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: Craynes Run and (4) UNTs to same/Tenmile Creek; Other Warm Water Fishes

ESCGP-2 NO.: ESX13-059-0053  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT: Mr Branden Weimer  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to Little Whiteley Creek/Tenmile Creek Watershed; Other WWF; Siltation-Impaired

ESCGP-2 NO.: ESX13-059-0056  
 Applicant Name: EQT Production Company  
 CONTACT: Mr Todd Klaner  
 ADDRESS: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: UNT to Ruff  
 Creek & Ruff Creek-WWF Tenmile Creek Watershed;  
 Other Warm Water Fishery (WWF)

ESCGP-2 NO.: ESG13-059-0039

Applicant Name: EQT Production Company

CONTACT: Mr Todd Klaner

ADDRESS: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Morris

Receiving Stream(s) and Classifications: UNT to Bates  
 Fork-HQ-WWF/South Fork Tenmile Creek Watershed;  
 Bates Fork-HQ-WWF/South Fork Tenmile Creek Water-  
 shed: HQ

ESCGP-2 NO.: ESX12-059-0016 Major Revision

Applicant Name: CNX Gas Company LLC

CONTACT: Ms Tara Meek

ADDRESS: 200 Evergreen Drive

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Gray and Richhill

Receiving Stream(s) and Classifications: Dunkard Fork/  
 Dunkard Fork, UNT to Dunkard Fork/Dunkard Fork,  
 UNT to Enlow Fork/Enlow Fork, UNT to Stone Coal  
 Run/Stone Coal Run, Owens Run/Owens Run, UNT to  
 Owens Run/Owens Run Fletcher Run/Fletcher Run,  
 UNT to Fletcher Run/Fletcher Run, Grinnage Run/  
 Grinnage Run; HQ; Other TSF, WWF, HQ-WWF, WWF  
 only applies to Major Modification; Siltation-Impaired

#### 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 sec-  
 tion 4 of the Environmental Hearing Board Act (35 P. S.  
 § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relat-  
 ing 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 Pennsylvan-  
 ia 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 appropri-  
 ate statute provides a different time period. Copies of the  
 appeal form and the Board's rules of practice and proce-  
 dure 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 permit-  
 ted 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 indi-  
 viduals 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 #: 115-21530-00-00

Well Farm Name Knosky 63 3H

Applicant Name: WPX Energy Appalachia, LLC.

Contact Person: David R. Freudenrich  
 Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317

County: Susquehanna

Municipality Name/City, Borough, Township: Rush

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: Lawton, UNT to the Middle  
 Branch Wyalusing Creek

Well Permit #: 115-21531-00-00

Well Farm Name Knosky 63 5H

Applicant Name: WPX Energy Appalachia, LLC.

Contact Person: David R. Freudenrich

Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317

County: Susquehanna

Municipality Name/City, Borough, Township: Rush

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: Lawton, UNT to the Middle  
 Branch Wyalusing Creek.

Well Permit #: 115-21532-00-00

Well Farm Name Knosky 63 7H

Applicant Name: WPX Energy Appalachia, LLC.

Contact Person: David R. Freudenrich

Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317

County: Susquehanna

Municipality Name/City, Borough, Township: Rush

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: Lawton, UNT to the Middle  
 Branch Wyalusing Creek.

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### SPECIAL NOTICES

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#### **Water Quality Certification under Section 401 of the Federal Clean Water Act for the Exelon Generation Co., LLC Muddy Run Pumped Storage Facility**

On September 3, 2013, the Pennsylvania Department of  
 Environmental Protection ("DEP") received a request for  
 Water Quality ("WQ") Certification under Section 401 of  
 the Federal Clean Water Act and Title 25 of the Pa Code,  
 Chapter 105, Section 105.15(b), the PA Dam Safety and  
 Encroachments Act and the PA Clean Streams Law from  
 Exelon Generation Company, LLC ("Exelon") for relicens-  
 ing and continued operation and maintenance of their  
 Muddy Run Pumped Storage Project ("Muddy Run") in  
 York and Lancaster County, Pennsylvania. On August 29,  
 2013, Exelon filed notification with the Federal Energy  
 Regulatory Commission "FERC" about the request for WQ  
 Certification. The DEP File No. for this WQ Certification  
 request is EA36-033. Pennsylvania WQ Certification is  
 required for relicensing of this project under the Federal  
 Power Act.

Muddy Run is an existing 800 MW (nameplate capac-  
 ity) hydroelectric project located on the eastern shore of  
 Conowingo Pond on the Susquehanna River in Martic and  
 Drumore Township, Lancaster County, Pennsylvania that  
 has operated since 1966. Muddy Run is owned and  
 operated by Exelon, a wholly-owned subsidiary of Exelon  
 Corporation. Exelon filed a Final License Application  
 ("FLA") on August 30, 2012 for Muddy Run with FERC  
 seeking to relicense the project for a 46-year term.



Exelon proposes to continue operation of the facility, including the main dam embankment, east dike, recreation pond dam and spillway, canal dam embankment, upper reservoir spillway, intake structure, powerhouse, primary transmission line, 900-acre Muddy Run Power Reservoir and 100-acre Recreation Lake (Holtwood, PA Quadrangle; Latitude: 39° 48' 33.34"N Longitude: -76° 17' 49.29" W). Continued operation of the facility is expected to have entrainment effects on resident and migratory fish (including bluegill, rock bass, smallmouth bass, white crappie, channel catfish, walleye, and American shad, alewife and blueback herring) as well as American eel and other aquatic species.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and with appropriate requirements of state law. The Department further proposes to certify that the continued operation and maintenance of the project complies with Commonwealth water quality standards and that the operation and maintenance of the projects does not violate applicable Commonwealth water quality standards provided that the operation and maintenance of the project complies with the conditions proposed for this certification, including the criteria and conditions set forth below:

#### Compensatory Mitigation

1. Exelon will implement a program to trap approximately one million (1,000,000) eels per year from below the Conowingo Dam in Maryland and in the Octoraro Creek and transport them to multiple locations in the Susquehanna Watershed in Pennsylvania.

2. Exelon will provide five hundred thousand dollars (\$500,000.00) per year for habitat/sediment improvement projects in Lancaster and York Counties. This will include stream improvement projects, riparian buffers and small dam removal. This mitigation will continue through 2030 when it will be revisited through a re-evaluation of the water quality certification.

3. Exelon will provide a version of the Lower Susquehanna River OASIS Model to the Susquehanna River Basin Commission.

4. Exelon will also achieve certain fish passage targets for migratory fish and eels passing through the project area, and will take corrective action if the fish passage targets are not achieved.

5. Exelon will conduct dissolved oxygen testing and endangered species evaluation.

6. The water quality certification will be revised in 2030, as appropriate, to address demonstrated project impacts and subject to the provisions of this certification, to establish requirements consistent with Section 401 of the Clean Water Act, 33 U.S.C. Section 1341.

Exelon's request to DEP for Water Quality Certification, File No. EA36-033 and the draft PA 401 WQ Certification can be reviewed at the DEP South-central Region Office, located at the above address. Please contact the DEP SCRO file room at 717-705-4732 to schedule a review of this file.

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Mr. Scott Williamson, DEP South-

central Region Waterways and Wetlands Program Manager, 909 Elmerton Ave., Harrisburg, PA 17110-8200; or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.

[Pa.B. Doc. No. 13-2372. Filed for public inspection December 20, 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.library.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.

#### Draft Technical Guidance—Withdrawal

*DEP ID:* 363-4000-002. *Title:* Standards and Guidelines for Identifying, Tracking and Resolving Violations for: Erosion and Sediment Control Program, National Pollutant Discharge Elimination System Stormwater Construction Program, Dam Safety Program, Waterways Management Program. *Description:* This document was published as draft at 36 Pa.B. 447 (January 28, 2006). The Department has determined that this document is no longer necessary and, by this notice, is withdrawing the draft from consideration.

*Contact:* Questions regarding this action should be directed to Kenneth Murin at (717) 772-5975 or [kmurin@pa.gov](mailto:kmurin@pa.gov).

*Effective Date:* December 21, 2013.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2373. Filed for public inspection December 20, 2013, 9:00 a.m.]



### Board and Committee Meeting Schedules for 2014

The following is a list of 2014 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's web site at <http://www.dep.state.pa.us> (DEP Keywords: Public Participation, Participate). Prior to each meeting, the Department encourages individuals to visit its web site to confirm the meeting date, time and location.

Persons in need of accommodations, as provided for in the Americans with Disabilities Act of 1990 should contact the individual listed for each board or committee, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### *Agricultural Advisory Board*

The Agricultural Advisory Board will hold bimonthly meetings on the following dates. The meetings will begin at 10 a.m. in Susquehanna Room A, DEP South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA, unless otherwise noted.

February 26, 2014  
April 16, 2014  
June 18, 2014  
August 20, 2014  
October 15, 2014  
December 17, 2014

*Contact:* Steven Taglang, Bureau of Conservation and Restoration, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-7577 or [staglang@pa.gov](mailto:staglang@pa.gov).

#### *Air Quality Technical Advisory Committee*

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 20, 2014  
April 3, 2014  
June 12, 2014  
August 7, 2014  
October 9, 2014  
December 11, 2014

*Contact:* Nancy Herb, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9269 or [nherb@pa.gov](mailto:nherb@pa.gov).

#### *Board of Coal Mine Safety*

Meetings of the Board of Coal Mine Safety will be held at 10 a.m. at the Department's Cambria Office, 286 Industrial Park Road, Ebensburg, PA. The meeting dates are as follows:

March 11, 2014  
June 10, 2014  
September 9, 2014  
December 9, 2014

*Contact:* Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7289 or [agaida@pa.gov](mailto:agaida@pa.gov).

#### *Chesapeake Bay Management Team*

The Chesapeake Bay Management Team will meet at 9:30 a.m. in the Susquehanna Conference Rooms A and B, DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA. The meeting date is as follows:

January 22, 2014

*Contact:* Karen Price, Interstate Waters Office, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785 or [kprice@pa.gov](mailto:kprice@pa.gov).

#### *Citizens Advisory Council*

Meetings of the Citizens Advisory Council (CAC) are held on the third Tuesday of the month in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings typically begin at 11 a.m. CAC does not meet in August and December. The meeting dates are as follows:

January 21, 2014  
February 18, 2014  
March 18, 2014  
April 15, 2014  
May 21, 2014 (Wednesday due to Pennsylvania Primary Election on May 20, 2014)  
June 17, 2014  
July 15, 2014  
September 16, 2014  
October 21, 2014  
November 18, 2014

*Contact:* Michele Tate, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 783-2300 or [mtate@pa.gov](mailto:mtate@pa.gov).

#### *Cleanup Standards Scientific Advisory Board*

The Cleanup Standards Scientific Advisory Board will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 19, 2014  
October 15, 2014

*Contact:* Dave Crownover, Environmental Cleanup and Brownfields, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816 or [dcrownover@pa.gov](mailto:dcrownover@pa.gov).

#### *Climate Change Advisory Committee*

Meetings of the Climate Change Advisory Committee will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted, and will be held from 10 a.m. until 3 p.m. The meeting dates are as follows:

February 11, 2014  
April 8, 2014  
June 24, 2014  
August 12, 2014  
October 28, 2014  
December 9, 2014

*Contact:* Mark Brojakowski, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3429 or [mbrojakows@pa.gov](mailto:mbrojakows@pa.gov).

#### *Coal and Clay Mine Subsidence Insurance Fund Board*

The annual meeting of the Coal and Clay Mine Subsidence Insurance Fund Board will be held on December 10, 2014. It will be located in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m.

*Contact:* Lawrence Ruane, Bureau of Mining Programs, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 783-9590 or [lruane@pa.gov](mailto:lruane@pa.gov).

#### *Coastal Zone Advisory Committee*

Meetings of the Coastal Zone Advisory Committee will be held in the 10th Floor Conference Room, Rachel

Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 9:30 a.m. The meeting dates are as follows:

January 15, 2014  
June 4, 2014

*Contact:* Matt Walderon, Interstate Waters Office, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-2196 or mwalderon@pa.gov.

#### *Environmental Justice Advisory Board*

Meetings of the Environmental Justice Advisory Board are held quarterly in the Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings typically begin at 8:30 a.m. unless otherwise noted on the Department's web site. The meeting dates are as follows:

February 4, 2014  
May, 2014—to be determined  
August 5, 2014  
November 5, 2014

*Contact:* Holly Cairns, Office of Environmental Advocate, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-2300 or hcairns@pa.gov.

#### *Environmental Quality Board*

Meetings of the Environmental Quality Board will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 9 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 21, 2014  
February 18, 2014  
March 18, 2014  
April 15, 2014  
May 21, 2014 (Wednesday due to Pennsylvania Primary Election on May 20, 2014)  
June 17, 2014  
July 15, 2014  
August 19, 2014  
September 16, 2014  
October 21, 2014  
November 18, 2014  
December 16, 2014

*Contact:* Hayley L. Book, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA, 17105-8477, (717) 783-8727 or hbook@pa.gov.

#### *Laboratory Accreditation Advisory Committee*

The 2014 meetings of the Laboratory Accreditation Advisory Committee have not been scheduled. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Aaren Shaffer Alger, Bureau of Laboratories, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-7200 or aaalger@pa.gov.

#### *Low-Level Waste Advisory Committee*

The Low-Level Waste Advisory Committee will meet on October 2, 2014, from 10 a.m. until 12:30 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

*Contact:* Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2147 or rjanati@pa.gov.

#### *Mine Families First Response and Communications Advisory Council*

The 2014 meeting date for the Mine Families First Response and Communications Advisory Council has not yet been scheduled. The date and location of the meeting, once established, will be published in a future issue of the *Pennsylvania Bulletin*.

*Contact:* Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7289 or agaida@pa.gov.

#### *Mining and Reclamation Advisory Board*

Meetings of the Mining and Reclamation Advisory Board will be held at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted. The meeting dates are as follows:

January 9, 2014—12th floor Conference Room  
April 24, 2014  
October 23, 2014

*Contact:* Daniel Snowden, Bureau of Mining Programs, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103 or dsnowden@pa.gov.

#### *Oil and Gas Technical Advisory Board*

The Oil and Gas Technical Advisory Board meetings will be held at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 27, 2014  
June 26, 2014  
September 25, 2014

*Contact:* Darek Jagiela, Bureau of Oil and Gas Planning and Program Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 783-9645 or djagiela@pa.gov.

#### *Radiation Protection Advisory Committee*

Meetings of the Radiation Protection Advisory Committee will be held at 9 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates and room locations are as follows:

March 6, 2014—12th Floor Conference Room  
April 24, 2014—12th Floor Conference Room  
October 16, 2014—Room 105

*Contact:* Joseph Melnic, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 783-9730 or jmelnic@pa.gov.

#### *Recycling Fund Advisory Committee*

The Recycling Fund Advisory Committee will meet on the date listed as follows. The meeting will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will be held from 10 a.m. until 3 p.m.

September 18, 2014 (joint meeting with Solid Waste Advisory Committee)

*Contact:* Ali Tarquino Morris, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-9170, (717) 783-2630 or altarquino@pa.gov.

#### *Sewage Advisory Committee*

Meetings of the Sewage Advisory Committee will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10:30 a.m. The meeting dates are as follows:

March 5, 2014  
 July 9, 2014  
 November 5, 2014

*Contact:* John Diehl, Chief, Act 537 Management, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-2941 or jdiehl@pa.gov.

*Small Business Compliance Advisory Committee*

Meetings of the Small Business Compliance Advisory Committee are held quarterly in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m. The meeting dates are as follows:

January 22, 2014  
 April 23, 2014  
 July 23, 2014  
 October 22, 2014

*Contact:* Susan Foster, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-7019 or sufoster@pa.gov.

*Small Water Systems Technical Assistance Center Board*

The Small Water Systems Technical Assistance Center Board meetings will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will be held at 10 a.m. The meeting dates are as follows:

April 9, 2014  
 June 18, 2014  
 September 23, 2014  
 December 18, 2014

*Contact:* H. Thomas Fridirici, Bureau of Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-2172 or hfridirici@pa.gov.

*Solid Waste Advisory Committee*

The Solid Waste Advisory Committee meetings will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will be held from 10 a.m. until 3 p.m. The meeting dates are as follows:

March 6, 2014  
 June 5, 2014  
 September 18, 2014 (joint meeting with Recycling Fund Advisory Committee)

*Contact:* Ali Tarquino Morris, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-9170, (717) 783-2630 or altarquino@pa.gov.

*State Board for Certification of Sewage Enforcement Operators*

The 2014 meetings of the State Board for Certification of Sewage Enforcement Operators will be held in the Conference Room 11B, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m. The meeting dates are as follows:

March 19, 2014  
 June 25, 2014  
 September 24, 2014  
 December 22, 2014

*Contact:* Patricia Hodgson, Bureau of Point Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-2186 or phodgson@pa.gov.

*State Board for Certification of Water and Wastewater System Operators*

The 2014 meetings of the State Board for Certification of Water and Wastewater Systems Operators will be held in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m. The meeting dates are as follows:

February 12, 2014  
 April 16, 2014  
 June 18, 2014  
 August 13, 2014  
 October 16, 2014  
 December 10, 2014

*Contact:* Cheri Sansoni, Bureau of Safe Drinking Water, Operator Certification, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158 or csansoni@pa.gov.

*Storage Tank Advisory Committee*

Meetings of the Storage Tank Advisory Committee will be held in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

March 4, 2014—14th Floor Conference Room  
 June 3, 2014—14th Floor Conference Room  
 September 9, 2014—Room 105  
 December 2, 2014—Room 105

*Contact:* Charles M. Swokel, Chief, Division of Storage Tanks, Bureau of Environmental Cleanup and Brownfields, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5806 or (800) 428-2657 (42-TANKS) within this Commonwealth or cswokel@pa.gov.

*Technical Advisory Committee on Diesel-Powered Equipment*

Meetings of the Technical Advisory Committee on Diesel-Powered Equipment will be held at 10 a.m. in the Fayette County Health Center in Uniontown, PA. The meeting dates are as follows:

January 8, 2014  
 April 9, 2014  
 July 9, 2014  
 October 8, 2014

*Contact:* Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7289 or agaida@pa.gov.

*Water Resources Advisory Committee*

Meetings of the Water Resources Advisory Committee will be held at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 15, 2014  
 March 19, 2014  
 May 14, 2014  
 July 16, 2014  
 September 17, 2014  
 November 12, 2014



Contact: Sean Gimbel, Office of Water Management, P. O. Box 2357, Harrisburg, PA 17105-2357, (717) 783-4693 or sgimbel@pa.gov.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2374. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Proposed Changes to the Regional Haze State Implementation Plan Revision; BART Limits for the Cheswick Power Plant, Allegheny County; Public Hearing

The Department of Environmental Protection (Department) is proposing changes to the approved Regional Haze State Implementation Plan (SIP) revision to modify and correct certain errors in the original submittal. The Commonwealth's Regional Haze SIP revision was submitted to the United States Environmental Protection Agency (EPA) on December 20, 2010. On July 13, 2012, the EPA granted "limited approval" of the SIP submittal. See 77 FR 41279 (July 13, 2012). The EPA also issued a "limited disapproval" of certain Regional Haze SIP revisions because states including this Commonwealth relied on the Clean Air Interstate Rule to satisfy certain requirements in 77 FR 33642 (June 7, 2012).

In this proposed SIP revision, the Department refers to the approved Regional Haze SIP revision as the December 20, 2010, Regional Haze SIP. This proposed SIP revision is submitted in accordance with the visibility and regional haze provisions of sections 169A and 169B of the Federal Clean Air Act (act) (42 U.S.C.A. §§ 7491 and 7492) and the Federal regional haze rule codified in 40 CFR 51.308 (relating to regional haze program requirements).

This proposed SIP revision will make changes to information relating to Boiler No. 1 of the Orion Power (now GenOn Power Midwest, LP) Cheswick Generating Station (the Cheswick Plant) in Allegheny County, relating to BART control levels. These changes include updating the facility owner's name, updating the permit numbers and dates of issuance for the boiler, correcting the emission limit for particulate matter less than 10 micrometers (PM<sub>10</sub>) for the boiler and deleting the emission limits for sulfur dioxide and nitrogen oxide that were mistakenly included in the December 20, 2010, Regional Haze SIP revision. This proposed SIP revision will also replace the BART review memorandum completed by the Allegheny County Health Department for the Cheswick Plant with a new review memo dated November 7, 2012. None of the proposed corrections or updates will interfere with any applicable act requirement, including the Commonwealth's reasonable progress to achieving natural visibility conditions as required by the act.

The Department is seeking public comment on this proposed SIP revision. The proposed Regional Haze SIP revision is available on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose keyword: "Clean air plans") or through the contact persons listed as follows.

The Department will hold three public hearings on this proposed SIP revision according to the following schedule:

- January 21, 2014, at 1 p.m. at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

- January 21, 2014, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

- January 21, 2014, at 1 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA.

Persons wishing to present testimony at a hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [alehaas@pa.gov](mailto:alehaas@pa.gov) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing. Notice of the proposed SIP revision will also be published in newspapers of general circulation.

If, by January 16, 2014, no person has expressed an interest in attending a hearing, the hearing will be cancelled. The Department will notify the public if a hearing is cancelled on the Bureau of Air Quality web page at <http://www.dep.state.pa.us/dep/deputate/airwaste/eq/default.htm>. Persons may contact the Department to find out if a meeting is cancelled by contacting Alex Haas at (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov).

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive written comments no later than January 22, 2014. Written comments should be sent to the attention of Bryan Oshinski, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [boshinski@pa.gov](mailto:boshinski@pa.gov). Use "Regional Haze SIP Revision" in the subject line and include the name, affiliation (if any), mailing address and telephone number of the interested person.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2375. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Public Notice of the Availability of National Pollutant Discharge Elimination System General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems (PAG-05)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, informs the public of the availability of the National Pollution Discharge Elimination System (NPDES) PAG-05 General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems. The General Permit will become effective at 12 a.m. on December 29, 2013.

The PAG-05 General Permit is intended to provide NPDES permit coverage to petroleum product contaminated groundwater remediation systems (PPCGRS) that discharge treated effluent to waters of the Commonwealth. PPCGRSs are systems installed to remove pollu-



tants from groundwater to acceptable standards under State or Federal regulatory programs.

Notice of the availability of a draft PAG-05 General Permit was published at 43 Pa.B. 5770 (September 28, 2013). A 30-day comment period was provided for as part of the draft permit publication. No public comments were received.

The proposed Notice of Intent (NOI) fee for coverage under this General Permit is \$100 per year the PPCGRS is in operation. The NOI fee will be paid in installments, with the initial fee of \$100 submitted with the NOI for permit coverage and an installment of \$100 to be submitted with the annual report, if the PPCGRS will be in operation the following year. The Department anticipates that once coverage under the General Permit is authorized, coverage will continue without the need to submit an NOI for renewal of coverage as long as the PAG-05 General Permit is renewed, unless the Department specifically requires the submission of an NOI in writing.

The following changes were made to the final PAG-05 General Permit in comparison to the draft PAG-05 General Permit published at 43 Pa.B. 5770:

- The deadline to submit registration documents to participate in the Department's electronic Discharge Monitoring Report system following permit coverage was increased from 30 days to 90 days.

- The due date for annual reports was modified from December 31 to January 28. This will allow a full calendar year of activities to be reflected in the annual report.

The permit document package can be accessed through the Department's eLibrary web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) by selecting "Permit and Authorization Packages," then "Point and Non-Point Source Management," then "National Pollutant Discharge Elimination System—NPDES," then "General Permits" and "PAG-05—Discharges From Petroleum Product Contaminated Groundwater Remediation Systems."

For PAG-05 General Permit NOIs, the Department will publish notice in the *Pennsylvania Bulletin* for approvals of coverage only (see 25 Pa. Code § 92a.84(c)(3) (relating to public notice of general permits)).

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2376. Filed for public inspection December 20, 2013, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Retail Space to the Commonwealth Bedford County

Proposals are invited to provide the Department of General Services with 4,000 to 6,000 usable square feet of retail space for the Liquor Control Board in Bedford, PA, Bedford County. For more information on SFP No. 94531, which is due on Friday, January 10, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2377. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Cambria County

Proposals are invited to provide the Department of General Services with 4,000 to 5,000 usable square feet of retail space for the Liquor Control Board in Cambria County. For more information on SFP No. 94536, which is due on Friday, January 10, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2378. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Clinton County

Proposals are invited to provide the Department of General Services with 2,000 to 4,000 usable square feet of retail space for the Liquor Control Board in Renovo Borough, Clinton County. For more information on SFP No. 094534, which is due on January 24, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2379. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Columbia County

Proposals are invited to provide the Department of General Services with 6,000 to 8,000 usable square feet of retail space for the Liquor Control Board in Bloomsburg, PA, Columbia County. For more information on SFP No. 94532, which is due on January 10, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2380. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Delaware County

Proposals are invited to provide the Department of General Services with 5,000 to 7,500 usable square feet of retail space for the Liquor Control Board in Delaware County. For more information on SFP No. 94530, which is due on Friday, January 10, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2381. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Delaware County**

Proposals are invited to provide the Department of General Services with approximately 7,500 usable square feet of retail space for the Liquor Control Board in Delaware County. For more information on SFP No. 94522, which is due on January 10, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2382. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Delaware County**

Proposals are invited to provide the Department of General Services with approximately 9,000 to 10,000 usable square feet of retail space for the Liquor Control Board in Delaware County. For more information on SFP No. 94523, which is due on January 17, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2383. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Lancaster County**

Proposals are invited to provide the Department of General Services with approximately 6,000 to 8,000 usable square feet of retail space for the Liquor Control Board in Lancaster County. For more information on SFP No. 94539, which is due on January 24, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2384. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Lawrence County**

Proposals are invited to provide the Department of General Services with 4,000 to 6,000 net usable square feet of retail space for the Liquor Control Board in a shopping center environment along Route 18 and Worthington Avenue, New Castle, PA, Lawrence County. For more information on SFP No. 094529, which is due on December 27, 2013, at 12 p.m., visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2385. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Lebanon County**

Proposals are invited to provide the Department of General Services with 3,000 to 3,500 net usable square feet of retail space for the Liquor Control Board in along Route 422 within Cleona Township, Lebanon County. For more information on SFP No. 094528, which is due on December 27, 2013, at 12 p.m., visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2386. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Montgomery County**

Proposals are invited to provide the Department of General Services with 3,500 to 5,000 net usable square feet of retail space for the Liquor Control Board in within a 1-mile radius of Limekiln Pike and Martin Lane, Dresher, PA, Montgomery County. For more information on SFP No. 094538, which is due on January 24, 2014, at 12 p.m., visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2387. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Philadelphia County**

Proposals are invited to provide the Department of General Services with 5,000 to 7,500 usable square feet of retail space for the Liquor Control Board in within a 2-mile radius of the intersection of Island Avenue and Lindbergh Boulevard, City of Philadelphia, Philadelphia County. For more information on SFP No. 094527, which is due on December 27, 2013, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2388. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Union County**

Proposals are invited to provide the Department of General Services with approximately 4,500 to 5,500 usable square feet of retail space for the Liquor Control Board in Union County. For more information on SFP No. 94540, which is due on January 24, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2389. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Lease Retail Space to the Commonwealth  
Westmoreland County**

www.dgs.state.pa.us or contact the Bureau of Real Estate  
at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2390. Filed for public inspection December 20, 2013, 9:00 a.m.]

Proposals are invited to provide the Department of General Services with 5,000 to 6,000 usable square feet of retail space for the Liquor Control Board in Westmoreland County. For more information on SFP No. 94533, which is due on Friday, January 17, 2014, visit

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Herpsell, Inc., d/b/a Russell's Carpet & Tile and David Russell, individually FEIN No. 25-1644526	13050 Old Plank Road Waterford, PA 16441	11/25/13
Wily Roofing, Inc. and Brad Wily, individually FEIN No. 23-2990092	P. O. Box 38 Blandon, PA 19510  1176 Park Road Blandon, PA 19510  342 Cornerstone Drive Blandon, PA 19510-0038	11/25/13

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 13-2391. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Jody Ware, d/b/a JR Trucking and Excavation	3601 Greenville Road Waverly, PA 15552	11/25/2013

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 13-2392. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Workforce Development Grant Availability

The Department of Labor and Industry (Department) is seeking applications for a grant to a service provider interested in providing layoff aversion services to stabilize, restructure, turn-around or attract buyers for at-risk businesses. The amount of the grant will not exceed \$1.5 million per program year.

This grant will be awarded for a 1-year period and provides an option to extend for a second and third year.

This notice of grant availability utilizes workforce development system available funds to address the Department's need to provide services for Statewide layoff aversion. The deadline to apply for the funding provided through the Federal Workforce Investment Act of 1998 (29 U.S.C.A. §§ 2801—2945) is January 31, 2014.

Successful applicants' proposals will complement the Department's current workforce development and economic recovery efforts that focus on the employer by saving and creating skilled, sustainable and productive economy jobs through layoff aversion, responsible capital

investment and building sustainable communities. The following are among these efforts:

- The capacity to implement and maintain a system to allow for early notice of potential layoffs or financial difficulties resulting in unemployment throughout this Commonwealth.
- To develop a layoff aversion approach that focuses on financial restructuring to enable small to medium-sized businesses to meet their current financial obligations and investment needs.
- Allow information sharing and coordination with the Department.
- Provide market research by developing resources for early identification of at-risk businesses and ownership transition strategies. By utilizing early intervention with businesses to prevent layoffs to retrain employees whenever possible, the Department avoids the exponentially higher costs associated with “lost” jobs such as unemployment and job creation programs.

More information and the necessary application documents are available on the Department’s web site at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=554082&mode=2>.

The Pennsylvania Workforce Development web site, [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us), is designed to quickly distribute information on the Commonwealth’s workforce investments and to provide a forum for emerging questions and answers about the Workforce Investment Act.

For more information, contact the PA CareerLink® Office’s web site at <https://www.cwds.pa.gov>.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 13-2393. Filed for public inspection December 20, 2013, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is announcing its intent to establish a new class of disproportionate share hospital (DSH) payments to certain Medical Assistance (MA) acute care general hospitals (hospitals) which, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities. This payment is intended to ensure access to inpatient hospital services for MA eligible and uninsured persons in this Commonwealth with cleft palate and craniofacial abnormalities. The Department intends to allocate funding for this additional class of DSH payments to qualifying hospitals for Fiscal Year (FY) 2013-2014.

The Department determines a hospital eligible for this additional class of DSH payments if the hospital meets all of the criteria listed as follows. Unless otherwise stated, the source of the information is the State FY 2010-2011 MA cost report (MA-336).

1. The hospital is enrolled in the MA Program as a general acute care hospital, and is licensed to provide

obstetrical and neonatal services as reported by the Department of Health for the period July 1, 2010, through June 30, 2011.

2. The hospital has a partnership with a facility listed as of January 2013 as both a cleft palate team and a craniofacial team by the American Cleft Palate-Craniofacial Association and Cleft Palate Foundation.

3. The hospital is accredited as an Adult Level I Trauma Center and a Pediatric Level I Trauma Center according to the Pennsylvania Trauma System Foundation’s 2012 Annual Report.

4. The hospital provided more than 135,000 total acute inpatient days of care.

5. The hospital ranked at or above the 92nd percentile of all acute care general hospitals enrolled in the Pennsylvania MA program based on the total number of MA inpatient days of care.

6. The hospital’s ratio of uncompensated care to net patient revenue is at least 3.30%, based on the Pennsylvania Health Care Cost Containment Council’s Financial Analysis 2012, Volume One.

The Department will divide the total payment proportionately among all qualifying hospitals based on each hospital’s total MA inpatient days to total MA inpatient days for all qualified hospitals.

#### *Fiscal Impact*

The FY 2013-2014 impact as a result of the funding allocation for this payment is \$0.323 million (\$0.150 million in State general funds and \$0.173 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

#### *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. The Department will consider all comments received within 30 days of this 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,  
*Secretary*

**Fiscal Note:** 14-NOT-852. (1) General Fund; (2) Implementing Year 2013-14 is \$150,000; (3) 1st Succeeding Year 2014-15 is \$0; 2nd Succeeding Year 2015-16 is \$0; 3rd Succeeding Year 2016-17 is \$0; 4th Succeeding Year 2017-18 is \$0; 5th Succeeding Year 2018-19 is \$0; (4) 2012-13 Program—\$268,112; 2011-12 Program—\$325,685; 2010-11 Program—\$243,809; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-2394. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Nursing Facility Assessment Program for Fiscal Year 2013-2014

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is implementing for Fiscal Year (FY) 2013-2014, provides an explanation of the assessment methodology that the Department is using in FY 2013-2014 and identifies the



estimated aggregate impact on nursing facilities which will be subject to the assessment.

#### *Background*

Article VIII-A of the Public Welfare Code (code) (62 P. S. §§ 801-A—815-A) authorizes the Department to impose an annual monetary assessment on nursing facilities and county nursing facilities in this Commonwealth each fiscal year through FY 2015-2016. Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). See 62 P. S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Federal Centers for Medicare and Medicaid Services if necessary to implement the Assessment Program. See 62 P. S. § 812-A.

For each fiscal year that the Assessment Program is implemented, the code authorizes the Secretary of the Department (Secretary) to determine the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See 62 P. S. § 804-A. The act specifies that annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for Federal matching funds. See 62 P. S. § 804-A.

The Secretary must publish a notice in the *Pennsylvania Bulletin* before imposing an annual assessment for a fiscal year. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P. S. § 805-A.

After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the fiscal year. See 62 P. S. § 805-A. The annual aggregate assessment amount and assessment rate for the fiscal year must be approved by the Governor. See 62 P. S. § 804-A.

The Secretary published a notice at 43 Pa.B. 3582 (June 29, 2013) announcing the proposed assessment rates, the aggregate amount and the impact for FY 2013-2014. No comments were received by the Department in response to the proposed rates notice.

#### *Assessment Methodology and Rates for FY 2013-2014*

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2013-2014:

- (1) State owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

The Department will assess nonexempt nursing facilities at two rates. One rate will apply to three categories of nursing facilities: county nursing facilities; nursing facilities that have 50 or fewer licensed beds; and certain Continuing Care Retirement Community (CCRC) nursing facilities. See 40 Pa.B. 7297 (December 18, 2010). The other rate will apply to all other nonexempt facilities, including nursing facilities that began participation in a Continuing Care Retirement Community (CCRC) on or

after July 1, 2010. Using the applicable rate, the Department will calculate each nonexempt facility's quarterly assessment amount by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately preceded the assessment quarter. This rate structure is the same structure that was used in FY 2012-2013.

Although the Department will maintain the same basic rate structure for FY 2013-2014, the Department is increasing the assessment rates for nonexempt nursing facilities from the rates in FY 2012-2013. For FY 2013-2014, the assessment rates for nonexempt nursing facilities will be as follows:

- (1) For county nursing facilities, for nursing facilities that have 50 or fewer licensed beds and for qualified CCRC nursing facilities, the assessment rate will be \$8.32 per non-Medicare resident day.
- (2) For all other nonexempt nursing facilities, the assessment rate will be \$29.77 per non-Medicare resident day.

Assessment payments are due the last day of the Assessment quarter or 30 days after publication of this second notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>.

#### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$472.469 million. The Department will use the State revenue derived from the assessment fees and any associated Federal matching funds to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-848. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-2395. Filed for public inspection December 20, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Max-A-Million Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Max-A-Million.

2. *Price:* The price of a Pennsylvania Max-A-Million instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Max-A-Million instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "DOUBLE BONUS PLAY" area. The play symbols and their captions located in the "WINNING NUMBERS" and the "DOUBLE BONUS PLAY" areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Cash (CASH) symbol and a Vault (VAULT) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$250, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Max-A-Million instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$500 (FIV HUN) appears in all twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "DOUBLE BONUS PLAY" symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in all twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "DOUBLE BONUS PLAY" symbol, and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in fifteen of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "DOUBLE BONUS PLAY" symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "DOUBLE BONUS PLAY" symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "DOUBLE

BONUS PLAY" symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$30.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$25.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets:</i>
\$10 × 2	\$20	30	220,000
(\$10 w/ CASH) × 2	\$20	30	220,000
\$20 w/ CASH	\$20	30	220,000
\$20	\$20	30	220,000
\$25 w/ CASH	\$25	30	220,000
\$25	\$25	30	220,000
\$30 w/ CASH	\$30	50	132,000



<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets:</i>
\$30	\$30	75	88,000
\$10 × 4	\$40	300	22,000
\$20 × 2	\$40	300	22,000
\$20 w/ DOUBLE BONUS PLAY	\$40	300	22,000
(\$20 w/ CASH) × 2	\$40	300	22,000
\$40	\$40	300	22,000
\$10 × 5	\$50	300	22,000
\$25 × 2	\$50	300	22,000
\$25 w/ DOUBLE BONUS PLAY	\$50	60	110,000
(\$40 w/ CASH) + \$10	\$50	300	22,000
\$50 w/ CASH	\$50	300	22,000
\$50	\$50	300	22,000
\$25 × 4	\$100	300	22,000
\$50 × 2	\$100	300	22,000
(\$25 w/ DOUBLE BONUS PLAY) × 2	\$100	300	22,000
\$100 w/ CASH	\$100	300	22,000
\$100	\$100	300	22,000
VAULT w/ ((\$20 × 5) + (\$10 × 15))	\$250	428.57	15,400
\$25 × 10	\$250	1,200	5,500
(\$25 w/ DOUBLE BONUS PLAY) × 5	\$250	1,200	5,500
(\$100 w/ DOUBLE BONUS PLAY) + \$50	\$250	1,200	5,500
(\$100 w/ CASH) × 2 + \$50	\$250	1,200	5,500
\$250 w/ CASH	\$250	1,200	5,500
\$250	\$250	1,200	5,500
VAULT w/ (\$25 × 20)	\$500	800	8,250
\$50 × 10	\$500	4,800	1,375
\$250 × 2	\$500	4,800	1,375
(\$25 w/ DOUBLE BONUS PLAY) × 10	\$500	3,000	2,200
\$250 w/ DOUBLE BONUS PLAY	\$500	3,000	2,200
(\$50 w/ CASH) × 5 + ((\$25 w/ CASH) × 10)	\$500	3,000	2,200
\$500 w/ CASH	\$500	3,000	2,200
\$500	\$500	3,000	2,200
VAULT w/ (\$50 × 20)	\$1,000	2,400	2,750
\$250 × 4	\$1,000	12,000	550
\$500 × 2	\$1,000	12,000	550
(\$250 w/ DOUBLE BONUS PLAY) × 2	\$1,000	12,000	550
\$500 w/ DOUBLE BONUS PLAY	\$1,000	12,000	550
(\$100 w/ CASH) × 5 + ((\$50 w/ CASH) × 10)	\$1,000	12,000	550
\$1,000 w/ CASH	\$1,000	12,000	550
\$1,000	\$1,000	12,000	550
VAULT w/ (\$500 × 20)	\$10,000	264,000	25
(\$500 w/ DOUBLE BONUS PLAY) × 10	\$10,000	188,571	35
\$10,000	\$10,000	440,000	15
\$100,000	\$100,000	440,000	15
\$1,000,000	\$1,000,000	1,320,000	5

Reveal a "CASH" (CASH) symbol, win prize shown under it automatically.

Reveal a "VAULT" (VAULT) symbol, win all 20 prizes shown!

DOUBLE BONUS PLAY: When the DOUBLE BONUS play number matches any YOUR NUMBER, win double the prize shown under the matching number.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Max-A-Million instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Max-A-Million, prize money from winning Pennsylvania Max-A-Million instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If

no claim is made within 1 year of the announced close of the Pennsylvania Max-A-Million instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.



12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Max-A-Million or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-2396. Filed for public inspection December 20, 2013, 9:00 a.m.]

## DEPARTMENT OF STATE

### Bureau of Corporations and Charitable Organizations; Expedited Services

Under section 55 of the act of July 9, 2013 (P. L. 476, No. 67) (Act 67), the Department of State (Department), Bureau of Corporations and Charitable Organizations (Bureau) gives notice that it is ready to provide expedited services under 15 Pa.C.S. § 153(a)(16) (relating to fee schedule).

Expedited services will be effective for documents deposited with the Department on or after January 6, 2014. The policies and procedures of the Department for the expedited processing of documents and services are as follows.

#### 1. *Scope and Levels of Services*

Act 67 creates a tiered system of expedited service options for all business entity and Uniform Commercial Code filings filed with the Bureau. Three levels of expedited services are available: same-day service, 3-hour service and 1-hour service. Documents intended for same-day service must be received by the Bureau before 10 a.m. Documents intended for 3-hour service must be received by the Bureau before 2 p.m. Documents intended for 1-hour service must be received by the Bureau before 4 p.m.

The previous schedules for the anticipated completion of expedited services are based on full business days (8 a.m. to 5 p.m., Monday through Friday). When the Bureau is closed for all or part of a day due to a holiday or an emergency (for example, inclement weather, unanticipated building closure), the schedules may be extended for a like period of time.

#### 2. *Fees and Payment*

Expedited service fees are in addition to the statutory fees associated with the type of document submitted or service sought. Expedited service fees are as follows:

1 hour service	\$1,000 in addition to filing fee
3-hour service	\$300 in addition to filing fee
Same-day service	\$100 in addition to filing fee

Expedited service fees may be paid by credit card, check, money order or customer deposit account, when these accounts are already established. Cash payment will not be accepted. All fees are nonrefundable.

Expedited service fees are charged by the document, not the entity. Multiple documents require separate expedited services submissions and fees. See Multiple Submissions as follows.

Multiple submissions may be paid for with one check, one money order or in the case of service companies, by

deducting from deposit accounts in one transaction.

#### 3. *Delivery to Department*

Documents for expedited processing must be delivered in person to the Bureau's office at 401 North Street, Room 206, Harrisburg, PA by the times indicated previously to receive the requested tier of expedited processing. At this time, documents sent by mail (United States Postal Service mail or United States Postal Service Express Mail), facsimile/fax, e-mail or ground delivery (UPS/FedEx/DHL) are not eligible for expedited processing.

A document is delivered to the Department for filing and is deemed received for expedited services when it is identified as an "expedite" and date- and time-stamped by Bureau personnel. The Bureau will follow usual and customary dates for daylight standard time and daylight savings time.

Each document must be accompanied by an Expedited Service Request (Request) form (DSCB:15-153(a)(16)) prescribed by the Department. A sample Request form follows. The completed Request form must be placed on top of each document submission that is subject to expedited service so the submission can be readily identified as a request for expedited service. Multiple documents require separate submissions. See Multiple Submissions as follows.

Payment for all required fees (including expedited service fee and statutory fees for the type of document submitted or service sought) must accompany the expedited service request.

The completed Request form may not include information that is not required on the form. Necessary extraneous information should be included on a cover letter, which should be placed immediately behind the Request form. The Request form will not be date- and time-stamped and will not constitute a document filed in, with or by the Department for any purposes except 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

#### 4. *Delivery to Requestor*

Expedited documents are considered processed and completed when they are either accepted for filing or rejected. Upon acceptance or rejection of the expedited submission, the document will be e-mailed to the address provided or printed for personal acceptance. The default mechanism for returning a completed document to the submitter is by e-mail. The submitter may choose to wait for the document to be processed and accept personal delivery of a paper copy of the processed document at the Bureau's office location. *Note*: All requests for certifications, copies and subsistence certificates will be returned to the requestor at the Bureau counter only due to e-mail constraints and file size considerations.

Only one method of delivery of the completed expedited request may be indicated on the Request form. Only one e-mail address may be provided if e-mail delivery is requested. Service company submissions will be emailed to the service company at the single service company email on file with the Bureau. The e-mail or cover sheet accompanying the completed document will indicate the time submitted for expedited processing and the time such processing was completed.

It is the responsibility of the submitter to provide a valid e-mail for delivery of completed expedited service requests. Servers or SPAM filters often block important messages or send them to junk mail folders because they don't recognize the sender. To help ensure e-mail delivery of the accepted or rejected documents, customers should

add RA-stbccco-exped@pa.gov and the domain name @pa.gov to e-mail address books, e-mail contacts and Safe Sender lists.

The Bureau will rely on the time clock provided by its Outlook system to indicate when the completed request was e-mailed. Bureau staff will monitor the expedited service e-mail resource account periodically in an attempt to ensure all completed expedited service requests were successfully e-mailed to their intended recipient. In the case that an e-mail is returned as undeliverable, staff will make every effort to inform the submitter of this fact. If the e-mailed document is not received by the submitter in the requested time period due to an issue with the submitter's e-mail server, the submitter may request that another e-mail be sent.

#### 5. *Multiple Submissions*

Each document submitted for expedited service must have its own completed Request form on top and will be charged a separate expedited service fee. Example 1: Articles of incorporation and articles of merger are submitted for a corporation. To expedite the processing of both of these documents, an expedited service fee will be charged for each document, in addition to the statutory filing fee associated with each document. Example 2: A domestic limited liability company has domesticated itself under the laws of another jurisdiction and submits articles of dissolution, while simultaneously registering to do business as a foreign LLC. To expedite the processing of the articles of dissolution by domestication and the application for foreign registration, an expedited service fee will be charged for each document, in addition to the statutory filing fee for each document.

*Note:* When a business filing requires a docketing statement, this is not considered a multiple submission and there is no additional expedite fee for the docketing statement.

If two or more documents that relate to the same entity or transaction are submitted on the same day for expedited service, they should be submitted together under existing Bureau procedures for special handling. The document to be processed first should be placed on top to be date- and time-stamped first. Submitters should indicate by means of a cover sheet or adhesive note on each submission to "file first" and "file second" on the appropriate document. The cover sheet should be placed behind the Request form for each submission.

#### 6. *General*

The Bureau will use its best efforts to timely review and process documents submitted to it for expedited services in accordance with these instructions and procedures. Expedited service requests will be processed, to the extent possible, in the order in which they are received within the levels of service requested.

Documents which already have been submitted for regular processing will not be upgraded to receive expedited processing. A new and separate request, with all applicable fees, must be submitted to receive expedited processing. No refund will be given for the document previously submitted under nonexpedited time lines. Similarly, documents which already have been submitted for one level of expedited processing may not be upgraded or downgraded to the next level of expedited processing without the submission of a new and separate expedited request and fees.

Expedited service time frames are dependent upon all necessary technology functioning properly. The Bureau

will make every effort to process an expedited document within the requested time frame. However, there may be circumstances beyond the Bureau's control (such as technical or facilities issues or unanticipated office closings) which would prohibit the Bureau from processing a submission within the requested time period or which would merit the refusal to accept documents for expedited filing.

If the Bureau is unable to process an expedited document within the requested time frame for reasons within its control, staff will contact the requestor and inform him of the failure to process the document in the required time. The Bureau will provide a partial refund to the submitter if the document cannot be processed in the specified time, when the delay was due to circumstances within the control of the Bureau. For example, if a document is submitted with a request for 1-hour processing and the Bureau processes the document in 2 hours, the Bureau will adjust the expedited service fee due for the document from \$1,000 to \$300 and refund or credit the payor \$700. The statutory fee associated with the type of document submitted will not be refunded.

Requests to expedite large volumes of documents or very complex or lengthy documents will be subject to Bureau approval based on service demand levels and availability of Bureau resources. The Bureau reserves the right to refuse for expediting large volumes of documents or complex documents and extensive requests for copies if the documents cannot be processed in the required expedited service period. Documents may be refused for expedited processing if the Bureau cannot meet the time deadline. Bureau staff will inform the submitter of the inability to meet the requested time period prior to accepting the documents for expedited processing. Service companies are encouraged to coordinate large volumes of filings with the Bureau to ensure that documents receive expedited processing.

Staff will continually monitor the Bureau's capacity to process expedited documents and will accept and process expedited submissions whenever possible.

#### 7. *Deficiencies, Corrections and Rejections*

Document submissions must be acceptable for filing as presented to the Bureau at the time of the expedited service request. This means that documents must comply with 15 Pa.C.S. § 135 (relating to requirements to be met by filed documents) (for business entity documents) or 13 Pa.C.S. Chapter 95 (relating to filing) (for Uniform Commercial Code documents) and the regulations of the Department to be accepted for filing.

Persons submitting expedited requests for business entity filings should ensure that:

- The document submitted is of a type and nature which is filed by the Department.
- The document is legible and contains enough information to index the document, including a name, type of filing and operative dates.
- A docketing statement follows (when appropriate).
- If a document creates a new association or effects or reflects a change in name:

The document must be accompanied by a name reservation or the proposed name must be available for use under applicable standards established by 15 and 54 Pa.C.S. (relating to Associations Code; and names) (including written consent, when appropriate).

- Tax clearance certificates are as follows (when appropriate).
- Required approvals by any department, board, commission or other agency of the Commonwealth as a prerequisite to the filing of the document are as follows.
- The document is executed.

If a document submitted for expedited services contains a deficiency, the requestor will be notified of all identified deficiencies within the time frame of the requested expedited service by the manner in which the requestor elected to have the document returned (e-mail or counter pickup). The expedited service fee is deemed to be fully utilized upon acceptance or rejection of the document.

Any resubmission of a document after a rejection will require a new Request form and expedited fee if the resubmitted document is to be expedited. The requestor is responsible for making the necessary corrections and resubmitting the document to the Bureau. The initial date of submission to the Department will become the date the document is accepted for filing if all corrections

are made within 30 days of the date of rejection; the dates on documents or certificates which are needed to support the original submittal are operative or effective on or as of the original date of submission and one of the following applies:

- (i) There has been no definitive filing or interim filing utilizing the association name.
- (ii) Evidence of reservation of an involved association name accompanies the document.

See 19 Pa. Code § 11.12 (relating to processing of documents by Department).

If a document submitted for expedited service is rejected, the statutory filing fee and expedited service fee will not be refunded.

Visit the Bureau's web site at any time for more information at [www.dos.state.pa.us/corps](http://www.dos.state.pa.us/corps). The Bureau may be reached by calling (717) 787-1057. The telephone lines are available from 8 a.m. to 4:45 p.m.

CAROL AICHELE,  
*Secretary*

DSCB: 15-153(a)(16)



**Bureau of Corporations and  
Charitable Organizations**

**EXPEDITED SERVICE  
REQUEST**

This form **MUST** be completed and submitted with **EACH** expedited request.  
**EXPEDITED REQUESTS MUST BE SUBMITTED IN PERSON.**

<b>Entity Name:</b> _____		<b>Entity Number:</b> _____
<b>Requestor's Name:</b> _____		<b>Return Document Via:</b> (CHECK ONLY ONE)  <input type="checkbox"/> COUNTER PICKUP  <input type="checkbox"/> EMAIL - Completed filings will be emailed to the email address supplied below.  _____
<b>Requestor's Address:</b> _____		
Contact Person: _____		
Phone Number: _____		
Fax Number: _____		
Email: _____		
<b>Select the Level of Expedited Service:</b> <small>EXPEDITED SERVICE FEES ARE IN ADDITION TO FILING FEES.</small>		
		<b>Expedited Fee(s):</b>
<input type="checkbox"/>	SAME-DAY SERVICE (MUST BE RECEIVED BEFORE 10:00 a.m.)	\$100.00
<input type="checkbox"/>	THREE-HOUR SERVICE (MUST BE RECEIVED BEFORE 2:00 p.m.)	\$300.00
<input type="checkbox"/>	ONE-HOUR SERVICE (MUST BE RECEIVED BEFORE 4:00 p.m.)	\$1,000.00
<b>Payment Method:</b> <input type="checkbox"/> Deposit Account # _____ <input type="checkbox"/> Check <input type="checkbox"/> Credit Card _____		

By checking this box, I verify that I have read and understand the policies and procedures for Expedited Services published in the Pennsylvania Bulletin. To the best of my knowledge, the attached document is acceptable for filing as presented to the Bureau. I understand that if this document is not accepted for filing, the expedited service fee and the filing fee(s) are nonrefundable.

12/2013

[Pa.B. Doc. No. 13-2397. Filed for public inspection December 20, 2013, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-76	Pennsylvania Liquor Control Board Sale by Limited Winery Pricing	12/09/13	1/16/14
18-420	Department of Transportation Public Transportation—Sustainable Mobility	12/11/13	1/16/14

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-2398. Filed for public inspection December 20, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Designation as a Certified Reinsurer

ACE Reinsurance (Switzerland) Limited has applied for designation as a certified reinsurer in this Commonwealth. The application was received on November 29, 2013, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P. S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the applications are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and 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 Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [nmurray@pa.gov](mailto:nmurray@pa.gov). Comments received will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2399. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Application for Designation as a Certified Reinsurer

Equator Reinsurance Limited has applied for designation as certified reinsurer in this Commonwealth. The application was received on December 2, 2013, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P. S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and 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 David H. Phelps, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [davphelps@pa.gov](mailto:davphelps@pa.gov). Comments received will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2400. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On December 10, 2013, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44).

The filing proposes an April 1, 2014, effective date for both new and renewal business and includes the following revisions:

- \* An overall 5.15% decrease in collectible loss costs.
- \* An Employer Assessment Factor of 1.95%, as compared to the currently approved provision of 2.62%.
- \* Updates to a variety of other rating values to reflect the most recent available experience.
- \* Changes to manual rules, including changes to classification procedures found in section 2 of the manual, which may impact the loss costs for certain employers.

\* Procedures for establishing payroll for Sole Proprietors, Partners in a Partnership and Members of Limited Liability Corporations when specific payroll documentation is unavailable.

The entire April 1, 2014, loss cost filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2401. Filed for public inspection December 20, 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 Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Ron Lee; file no. 13-188-150961; Safe Auto Insurance Company; Doc. No. P13-11-019; February 4, 2014, 9:30 a.m.

Appeal of Jerome Price, Jr.; file no. 11-188-149197; Allstate Indemnity Company; Doc. No. P13-11-003; February 4, 2014, 1:30 p.m.

Appeal of Edward Chung; file no. 13-198-151761; GEICO Indemnity Company; Doc. No. P13-11-024; February 4, 2014, 2:30 p.m.

Appeal of Paula Squillacioti; file no. 13-198-150844; State Farm Fire and Casualty Company; Doc. No. P13-11-017; February 4, 2014, 3:30 p.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 docu-

mentation 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. 13-2402. Filed for public inspection December 20, 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 company's termination of the insureds' homeowners policy. The hearing 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 hearing 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 hearing will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Ida and Floyd Haley; file no. 13-115-146436; Travelers Home and Marine Insurance Company; Doc. No. P13-11-022; February 4, 2014, 11:30 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. 13-2403. Filed for public inspection December 20, 2013, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-13-009, Dated November 20, 2013. Authorizes the K1 Collective Bargaining Agreement entered into between the Commonwealth and the Fraternal Order of Police, Fish and Boat Officers, for the period July 1, 2012 through June 30, 2016.

Resolution No. CB-13-010, Dated November 20, 2013. Authorizes the K2 Memorandum of Understanding entered into between the Commonwealth and the Fraternal Order of Police, Fish and Boat Officers, for the period July 1, 2012 through June 30, 2016.

Resolution No. CB-13-011, Dated November 20, 2013. Authorizes the collective bargaining agreement between the Commonwealth and the PSRA on October 16, 2013, covering the period July 1, 2011, through June 30, 2015.

Resolution No. CB-13-012, Dated November 25, 2013. Authorizes the collective bargaining agreement between the Commonwealth and the Pennsylvania Doctors Alliance signed on November 1, 2013, covering the period July 1, 2012, through June 30, 2016.

Resolution No. CB-13-013, Dated November 25, 2013. Authorizes the collective bargaining agreement between the Commonwealth and the Correctional Institution Vocational Education Association, signed on November 7, 2013, covering the period July 1, 2011, through June 30, 2015.

#### *Governor's Office*

Management Directive No. 205.43—Quality Assurance for Business Productivity Tools, Dated November 26, 2013.

Management Directive No. 220.9—Publication Services, Amended November 25, 2013.

Administrative Circular No. 13-17—Holiday Trees and Decorations in Commonwealth-Owned or Leased Buildings, Dated November 14, 2013.

VINCENT C. DeLIBERATO, Jr.,  
*Acting Director*

[Pa.B. Doc. No. 13-2404. Filed for public inspection December 20, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Bonding Requirements for Electric Generation Suppliers; Acceptable Security Instruments

Public Meeting held  
December 5, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Gladys M. Brown

*Public Utility Commission Bonding Requirements for  
Electric Generation Suppliers; Acceptable Security  
Instruments; M-2013-2393141*

#### **Tentative Order**

*By the Commission:*

During the Public Utility Commission's Investigation of Pennsylvania's Retail Electric Market, Docket No. I-2011-2237952, the Commission issued an Order which directed an "Intermediate Work Plan" at that Docket (Order entered March 1, 2012), which directed several initiatives designed to provide improvements to Pennsylvania's electric retail market. Among the initiatives directed was the formation of a risk assessment working group comprised of Electric Distribution Companies (EDCs), Electric Generation Suppliers (EGSs) and other interested parties to work with the Commission's Office of Competitive Markets Oversight (OCMO) to examine current security requirements and security instruments which EGSs are required to post in order to operate in Pennsylvania's retail electric market. The Working Group was formed on April 15, 2013. It is comprised of OCMO, EDCs, EGSs and representatives of the Retail Electric Supply Association (RESA).

On May 22, 2013, OCMO Staff presented background information to the Working Group regarding the Commission's current bonding requirements for EGSs and a description of currently acceptable security instruments to support those requirements. OCMO Staff requested that the Working Group provide informal comments discussing potential modifications to those requirements, including:

- A reduction of the EGS security to be maintained after the first year of licensure, from 10% of annual gross receipts to 5% of annual gross receipts;
- Expansion of the acceptable financial credit instruments, to include Parental Guarantees and segregated cash accounts specific to Pennsylvania customers and callable only by the Commission.

OCMO Staff also requested informal comments on whether or not there could be a mix of security instruments to cover the Commission's EGS bonding requirements. OCMO Staff advised the Working Group that



given the limited resources the Commission has to both police collateral and execute on an instrument in the event of default, a blanket provision for customized security instruments for individual EGSs would not be considered. Finally, OCMO Staff sought informal comments as to whether there was a duplication of an EGS's security obligations among the Commission, EDCs and the PJM Interconnection, LLC (PJM).

Informal comments were submitted by the following parties: Washington Gas Energy Services, Inc. (WGES); Integrys Energy Services (IES); FirstEnergy Solutions, Corp. (FES); Strategic Communications, LLC on behalf of Agway Energy Services (AES); Liberty Power, Corp. (Liberty Power); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, FE Operating Companies); Constellation NewEnergy, Inc. (Constellation); and RESA.

Upon review of the informal comments submitted to OCMO Staff, we believe that this issue is ready to move forward through the issuance of this Tentative Order and inviting formal comments on the proposal set forth below. After consideration of the comments filed in response, we will issue a final Order.

#### *Discussion*

The Commission's current authority to establish EGS bonding requirements is set forth in Section 2809 of the Public Utility Code (Code), 66 Pa.C.S. § 2809 relating to requirements for electric generation suppliers. Specific details regarding the amount and form of security are found in the Commission's regulations at 52 Pa. Code § 54.40 relating to bonds or other security. The initial security level required from each EGS license applicant that intends to take title to electricity is \$250,000. Typically this requirement has been fulfilled by Letters of Credit (LOC) or Surety Bonds. After the first year that the license is in effect, the security level for each license is reviewed annually and modified primarily based on the licensee's reported annual gross receipts information. The current security level to be maintained by licensee is 10% of the licensee's reported gross receipts. 52 Pa. Code § 54.40(d).<sup>1</sup> The purpose of this security level is to ensure payment of the Gross Receipts Tax (GRT) and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements. 52 Pa. Code § 54.40(f)(2).

As noted above, OCMO Staff sought informal comments on the amount of security to be posted after the initial year of service suggesting a reduction in the amount from 10% to 5%. OCMO Staff also sought informal comments relating to the type of security instruments which should be deemed acceptable as well as whether a mix of security instruments could be used to secure a single EGS's obligation. Finally, OCMO Staff sought comments on whether there was a duplication of an EGS's security obligations among the Commission, EDCs and PJM.

#### *Summary of Comments*

WGES commented on each of the three areas of inquiry. WGES supports the initial proposal that, after the first year of operation, the security requirement should be reduced from 10% to 5% of annual gross receipts. WGES explains that as its business has grown in Pennsylvania, the expense of maintaining a bond in the amount of 10% of annual gross receipts has become "onerous." WGES

also asserts that the current level of Pennsylvania's gross receipts tax (GRT) is 59 mills, which is much closer 5% of annual revenues than 10%.

WGES also agrees that the universe of acceptable security instruments should be expanded. WGES states that the Commission should accept parental guarantees in addition to bonds and LOCs, so long as the parent providing the guarantee is an investment grade company rated as such by a rating agency. If the parent is not an investment grade company, WGES recommends that a bond be required.

WGES states that its agreement with a reduction in the amount of security is bolstered by the fact that PJM's security requirements are designed to cover an EGS's supply obligations. WGES explains that the EDC assigns the load responsibility to the EGS and informs PJM of that responsibility. PJM's collateral requirements are tied to the size of an EGS's load obligations, among other costs. Accordingly, to the extent the Commission's requirements also seek to cover that risk, they are duplicative of PJM's requirements.

IES generally supports the preliminary OCMO Staff proposal to reduce the bonding requirement after the initial year of operation from 10% to 5% as well as an expansion of the type of acceptable security instruments.

FES believes that it is appropriate to reduce the EGS security after the first year of licensure to 5% of annual gross receipts. FES states that for larger companies, the current 10% level requires the posting of an inordinately large bond at a substantial cost to the company, which is then passed on to customers in the form of higher prices. FES comments that the current 10% bond requirement far exceeds the potential credit risk it purports to cover and is much larger than bonding requirements in other states.

FES also supports an expansion of the type of acceptable security instruments. FES believes that acceptable security instruments should include surety bonds, letters of credit, parental guarantees from investment grade parents, or cash. FES states that while segregated accounts should be included as acceptable instruments, they are costly and require more oversight than other forms of security. FES also believes that a mix of security instruments for a single entity should be acceptable, although FES does not use that form.

AES comments that to the extent the Commission seeks security for an EGS's obligation to provide electric supply, that requirement would duplicate PJM's security obligations. AES observes that such duplication is costly to the EGSs operating in Pennsylvania's retail market.

Liberty Power supports a reduction in the bonding requirement after the first year of licensure. Liberty Power also comments that Texas provides a reasonable example of flexibility with regard to the nature of acceptable security instruments. Liberty Power states that Texas provides a fairly wide scope of entities that can act as guarantors on behalf of an EGS (or, REP in Texas). Acceptable guarantors include affiliates of an EGS that use guarantee forms approved by the Texas Commission; affiliates of an EGS that maintain security instruments that support credit or collateral requirements associated with power purchase agreements and for security associated with participation at ERCOT<sup>2</sup>; the guarantor is a financial institution that maintains an investment-grade

<sup>1</sup> It should be noted that the Commission's current bonding requirements for an EGS license after the initial year of operation provide for a \$250,000 security requirement or 10% of reported gross receipts, whichever is higher.

<sup>2</sup> "ERCOT" is the Energy Reliability Council of Texas and operates as the Regional Transmission Operator for the State of Texas, somewhat similar to PJM's role in the operation of the transmission grid in the Mid-Atlantic States.



credit rating and maintains security instruments that support credit or collateral requirements associated with power purchase agreements and for security associated with participation in ERCOT; or the guarantor is a wholesale supplier to the EGS, or one of the power provider's affiliates, and the entity maintains security instruments that support credit or collateral requirements associated with a power purchase agreement and for security associated with participation in ERCOT. Liberty Power particularly directs the Commission's attention to the opportunity to use a wholesale supplier for an EGS as a guarantor of that EGS's security requirements.

The FE Operating Companies express concern about reducing the bonding requirement after the initial operating year from 10% to 5%. They note that Section 2809(c)(2) of the Code, 66 Pa.C.S. § 2809(c)(2), provides that in event of an EGS default on the GRT, the EDCs are required to pay those taxes on behalf of the EGS. In addition, the FE Operating Companies observe that this Commission's regulations at 52 Pa. Code § 54.40(f)(3) provide that payment to the EDCs as reimbursement of GRT is given the lowest priority of payout under the bonds. On that basis, the FE Operating Companies state that unless there is some relief from an EDC's obligation to backstop EGSs on the GRT, either through legislative change or Commission permission to the EDC to collect GRT payments on a nonbypassable basis with full and current recovery, they cannot support a reduction in the bond requirement.

The FE Operating Companies do support expansion of the type of credit instruments acceptable to support the obligation. They support use of a parental guarantee provided the parent has an investment grade rating from one of four specified rating agencies. They also support the use of segregated cash accounts; provided the Commission defines what acceptable institutions could hold such accounts and specify that EGSs are responsible for account fees payable. The FE Operating Companies also support the use of a mixture of security instruments noting that the Commission can insist on a particular format for any approved security instruments.

Constellation agrees with the initial security of \$250,000 required for the first year of operations. However, Constellation believes that the subsequent adjustment to 10% of annual gross revenues is significantly higher than necessary to meet the stated goals and is completely inconsistent with other states' requirements. Constellation points out that EGSs are required to prepay 90% of the expected annual GRT in the first quarter of each year directly to the Pennsylvania Department of Revenue. Accordingly, Constellation asserts that a requirement to post security of 10% of gross annual revenues is considerably more than necessary to cover any additional risk of unpaid GRT beyond the 90% prepaid by the EGS.

Constellation also asserts that an EDC risk in the event of an EGS default on supply is only the difference between the EGS contract price and the cover price for the electricity, not the entire cost of the electricity supply. Constellation argues that the highest level of security an EGS is required to post in competitive states around Pennsylvania is \$350,000. This includes Maryland, Illinois, New Jersey, Connecticut, New Hampshire and Massachusetts. Constellation supports a reduction in the amount from 10% to 5%, but believes the requirement could be reduced further without jeopardizing the state's goals.

Constellation also supports expanding the type of acceptable security instruments. Constellation notes that EGSs now secure their obligation through bonds or LOCs. Constellation argues that both forms of security are costly (typically between .5%—3% of the collateral amount) but can also tie up significant amounts of cash. Constellation asserts that in Pennsylvania, the current requirements can result in obligations of tens of millions of dollars for a single EGS, compared to \$350,000 as noted above. Accordingly, Constellation recommends accepting parental guarantees from an investment grade entity, particularly if the annual posting requirement remains at 5%—10% of annual gross receipts.

RESA comments that the purposes for the security requirement in Pennsylvania are: to ensure compliance with the Code and the Commission's regulations; to ensure payment of the GRT; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements. RESA asserts that the Department of Revenue already addresses the issue of GRT payments by demanding that EGSs make payment every year by March 15 which include: any balance due for GRT liability from the previous year; prepayment towards the current year's GRT liability, which must equal 90% of the reported tax due and 100% of the reported liability for the second prior year. According to RESA, this prepayment requirement significantly reduces the risk of not collecting GRT liability. Because the GRT risk is significantly reduced, RESA argues that it makes a great deal of sense to reduce the Commission's current bonding requirement.

RESA also comments that the other purposes for the bonding requirement do not require the current level of security. RESA states that the Commission has always enforced its rules and regulations through rulemakings and adjudications in instances where violations occur. According to RESA, a reduction in the bonding requirement will have no impact on the Commission's continued ability to engage in those types of enforcement actions. As to the risk of default on supply obligations, RESA argues that the actual exposure is small. First, if the customer moves to another EGS offering prices at or lower than the customer's product with the defaulting EGS, there is no exposure. If the customer moves to default service or a higher priced product, the only exposure is the difference between the price charged by the defaulting EGS and price of the new product. RESA comments that the price differential should not be so significant as to warrant an excessive bond.

In view of the level of risk actually associated with EGS activities, RESA recommends that the bonding level for EGS applicants and established EGSs be set at \$250,000, unless the Commission finds that an increase is necessary to comply with the laws and rules of the Commission, to pay taxes owed, or to ensure delivery of electric supply to customers pursuant to contracts. RESA comments that the proposed reduction of the bonding level to 5% of annual gross receipts is still too high. RESA poses a hypothetical in which an EGS with \$10 million in gross receipts would have a \$590,000 GRT liability, assuming a 5.9% GRT rate. With the requirement of a 90% prepayment, that EGS will prepay at least \$531,000 of the GRT liability. The total exposure to the Commonwealth is \$59,000. Under the proposed reduction to 5% of gross receipts, RESA submits that the actual security amount for its hypothetical EGS would be \$500,000 to secure an obligation of \$59,000.

RESA points to neighboring jurisdictions and observes that Maryland requires suppliers to post security in the

amount of \$250,000. When that security instrument expires, the Maryland Commission may decide that no further security is required if certain financial conditions are met. In New Jersey, RESA states that the initial security requirement is \$250,000. After the first year, that amount is continued, but the Board of Public Utilities has the discretion to increase that amount if necessary.

Based on the foregoing, RESA suggests that the Commission establish an initial security requirement in the amount of \$250,000. Upon expiration of that security instrument, the EGS would be required to renew its security in the amount of \$250,000, unless directed to increase or reduce that amount by the Commission. Should the Commission adopt the OCMO Staff proposal, RESA recommends that the initial \$250,000 requirement can be met by the current obligation to post a bond or a LOC. However, in subsequent years, while \$250,000 requirement could be met by a bond or LOC, the remaining security requirement to reach 5% of annual gross receipts could be satisfied by another form of security instrument or combination of security instruments.

RESA also supports expanding the type of security instruments that the Commission would accept. RESA suggests the Commission consider: reliance on investment-grade long-term bond ratings from two of the four major rating agencies; a guarantee, issued by a corporation, co-partnership, or other person or association, or by a qualified subsidiary, affiliate of the EGS, or a qualified corporation holding controlling interests in the EGS; a copy of the security or agreement that was provided and approved by PJM or other RTO and used to serve as collateral; a combination of any or all of the types of the foregoing instruments.

RESA suggests that the Commission examine other jurisdictions and determine whether security instruments acceptable there could also be used in the Commonwealth. RESA points to Delaware as a state with a flexible approach to security instruments. For example, Delaware permits: cash or cash equivalents; certificates of deposit or other liquid deposit; preferred stock proceeds or other corporate shareholder equity; LOC or line of credit; loan; corporate guarantee; and identifiable physical assets set forth in a balance sheet or similar statement.

RESA also responded to OCMO Staff's request for comments on overlapping security obligations. RESA reiterated its position that the Department of Revenue adequately protects against default on GRT liability by the prepayment requirement. Similarly, RESA argues that PJM's security requirements and the individual EDC security requirements protect against exposure from supply default.

#### *Tentative Proposal for Reduction in Security Requirements and Expansion of Acceptable Security Instruments*

Based upon our review of the OCMO Staff's informal proposal, and the comments submitted thereto, it appears that our current requirement for an initial bonding amount of \$250,000 for EGSs that intend to take title to electricity is reasonable and should remain in force for the initial year of operation. It also appears, however, that the subsequent requirement of a bond or LOC in the amount of 10% of annual gross receipts may be excessive in relation to the risk intended to be secured, may be unnecessarily burdensome and may present a barrier to entry into Pennsylvania's retail electric market. As such, the Commission is proposing to maintain the current requirement for an initial bonding amount of \$250,000 for the first year and to reduce the subsequent security requirement from 10% of annual gross receipts to 5%.

Furthermore, based upon our review of the OCMO Staff's informal proposal and the comments submitted thereto, it appears that it would be reasonable to expand the types of security instruments that should be accepted by the Commission. Specifically, it appears that the following types of security should be acceptable:

- Parental guarantee, in a form acceptable to the Commission, where the parent maintains an investment-grade long-term bond rating from two of the four rating agencies:

Standard & Poors	BBB- or higher
Moody's Investors' Services	Baa3 or higher
Fitch IBCA	BBB- or higher
Duff and Phelps Credit Rating Company	BBB- or higher

- Segregated cash accounts, held by federally insured financial institutions, specific to Pennsylvania customers and callable only by the Commission

- A mix of bonds; LOCs; Parental guarantees and/or segregated cash accounts as set forth above sufficient meet the required security in the amount of 5% of annual gross receipts.

We invite comments from interested parties on the proposals set forth above, both as to the level of the security requirement and the nature of acceptable security instruments. In addition, we invite comment on whether these proposals require a change to our current regulations to be implemented or whether the Commission can temporarily waive the current regulations until a formal regulation change is completed or whether these changes can be implemented under the current regulation provision that allows the Commission to set an alternative level of bonding commensurate with the nature and scope of the EGSs operations.<sup>3</sup>

#### *Conclusion*

Based upon the foregoing discussion, we seek comment on whether the current level of security required for EGS operations after the initial year of service may be excessive, burdensome and a potential barrier to entry. We also seek comment on whether the types of acceptable security instruments should be expanded. Furthermore, we seek comments on whether these changes can be implemented prior to or without a change to our current regulations. In order to facilitate public comment on these issues, we will establish a 20 day comment period from the date this order is published in the *Pennsylvania Bulletin*; *Therefore*,

#### *It Ordered That:*

1. Comments to this Tentative Order shall be filed within twenty (20) days of the publication of this Order in the *Pennsylvania Bulletin*.

2. An original copy of the comments shall be filed with the Commission's Secretary at: Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Comments may also be filed electronically through the Commission e-filing system, in which case no paper copy needs to be filed with the Secretary provided that the comments are less than 250 pages.

3. This Tentative Order shall be served on all Electric Distribution Companies, all licensed Electric Generation

<sup>3</sup> See 52 Pa. Code § 54.40(d).

Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Department of Revenue and the Energy Association of Pennsylvania.

4. The Secretary shall deposit a copy of this Tentative Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. A copy of this Tentative Order shall be posted on the Commission's website at the Office of Competitive Market Oversight's web page.

6. The Office of Competitive Market Oversight shall electronically serve a copy of this Tentative Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

7. The contact person for technical issues related to this Tentative Order is Brent Killian, Technical Utility Services Bureau (717) 783-0350. That the contact person for legal issues related to this Tentative Order is H. Kirk House, Assistant Counsel, Office of Special Assistants, (717) 772-8495.

8. A Final Order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2405. Filed for public inspection December 20, 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 January 6, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2013-2376817. Canyon Country Cabs, LLC** (210 Fischler Street, Wellsboro, Tioga County, PA 16901) persons in paratransit service, from points in Tioga County, to points in Pennsylvania, and return.

**A-2013-2391859. Linda A. Grubb** (4290 Shellbrook Drive, Hesston, Huntingdon County, PA 16647) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating a motor vehicle, from points in Huntingdon County, to points in Pennsylvania, and return.

#### Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

**A-2013-2395502. Susquehanna Valley Limousine, Inc.** (2225 Ridge Road, Northumberland, PA 17857) for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service from points in all counties in Pennsylvania to various airports in Pennsylvania, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

#### Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under the application.*

**A-2013-2391844. Hart to Heart Ambulance Services, Inc.** (355 Granary Road, Forest Hill, MD 21050) for the right to begin to transport, as a contract carrier, by motor vehicle, persons for South Eastern Pennsylvania Transportation Authority within Delaware County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2406. Filed for public inspection December 20, 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 January 6, 2014, 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. Aster Cab Company;*  
*Doc. No. C-2013-2384632*

#### 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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Aster Cab Company, Respondent, maintains its principal place of business at 1443 North 55th Street, Philadelphia, PA 19131.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on August 5, 1994 at Application Docket No. A-00111387.

3. That by Secretarial Letter issued on March 24, 2011 at Docket No. C-2010-2201441, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That Respondent failed to pay fines totaling two hundred fifty dollars (\$250.00) and violated 66 Pa.C.S.



§ 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on March 24, 2011 at Docket No. C-2010-2201441.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-00111387.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/24/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
ment

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. David Cab Co.;*  
Doc. No. C-2013-2380901

#### 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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That David Cab Co., Respondent, maintains its principal place of business at 4946 North Eighth Street, Philadelphia, PA 19120.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 29, 1997 at A-00114061.

3. That by Secretarial Letter issued on July 11, 2011 at C-2010-2133703, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That by Secretarial Letter issued on March 7, 2013 at C-2011-2269746, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

5. That Respondent failed to pay fines totaling five hundred dollars (\$500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Secretarial Letters issued on July 11, 2011 at C-2010-2133703 and March 7, 2013 at C-2011-2269746.



A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00114061.

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: 8/28/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. PS Trans, Inc.;*  
*Doc. No. C-2013-2381015*

#### 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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That PS Trans, Inc., Respondent, maintains its principal place of business at 2041 Plum Street, Philadelphia, Pa 19124.

2. That Respondent was issued Certificates of Public Convenience by this Commission on March 22, 2004 at Application Docket No. A-00120364.

3. That by Secretarial Letter issued on April 5, 2011 at C-2010-2209161, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 11, 2011 at C-2010-2135162, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on May 24, 2012 at C-2011-2255920, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That by Secretarial Letter issued on March 7, 2013 at C-2011-2270505, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

7. That Respondent failed to pay fines totaling one thousand seven hundred fifty dollars (\$1,750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on April 5, 2011 at C-2010-2209161, July 11, 2011 at C-2010-2135162, May 24, 2012 at C-2011-2255920, and March 7, 2013 at C-2011-2270505.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00120364.

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 of Motor Carrier 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 to 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: 9/4/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

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Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

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F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

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Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 13-2407. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Wastewater Service

**A-2013-2395998. Pennsylvania American Water Company—Wastewater Division.** Application of Pennsylvania American Water Company—Wastewater Division, for approval of: 1) the transfer by sale of substantially all of Paint-Elk Joint Sewer Authority, property and rights related to its wastewater system to Pennsylvania American Water Company; and 2) the rights of Pennsylvania American Water Company to begin to supply wastewater service to the public in portions of Paint Township and Elk Township, Clarion 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 January 6, 2014. 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. 13-2408. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Water Service

**A-2013-2395994. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of: 1) the transfer by sale of the water works property and rights of Scott Township to Pennsylvania-American Water Company; and 2) the rights of Pennsylvania American Water Company to begin to supply water service to the public in a portion of Scott Township, Lackawanna 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 January 6, 2014. 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. 13-2409. Filed for public inspection December 20, 2013, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Christopher L. Agrispin; Doc. No. 1557-45-2013

On October 24, 2013, Christopher L. Agrispin, license no. CO255125, of Columbia, Lancaster County, was suspended under the Order of the Court of Common Pleas of Lancaster County dated October 15, 2013, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 13-2410. Filed for public inspection December 20, 2013, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Henry Hershey 135 Herr Drive Peach Bottom, PA 17563	Lancaster County/ Fulton Township	117	Cattle	New	Approved
Joan Wilson 624 East Berlin Road York Springs, PA 17372	Adams County/ Reading Township	14	Horse	Existing	Rescinded
Lamar Sensenig 439 Birds Hill Road Pine Grove, PA 17963	Schuylkill County/ Washington Township	219.03	Broilers	New	Approved
Hillandale 94 Farm 6108 Carlisle Pike East Berlin, PA 17316	Adams County/ Reading Township	532	Layers	Amend	Approved
Ben Martin 2200 West Route 897 Denver, PA 17517	Lancaster County/ West Cocalico Township	166.44	Broilers	New	Approved
Lynford Steiner 384 Golf Road Lebanon, PA 17046	Lebanon County/ Bethel Township	105	Layers	New	Approved
AB Acres, LLC Alan Bleacher 280 September Lane Delta, PA 17314	York County/ Peach Bottom Township	198.22	Broilers	New	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 13-2411. Filed for public inspection December 20, 2013, 9:00 a.m.]

**Dirt and Gravel Roads Pollution Prevention Maintenance Program**

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year (FY) 2012-2013 Dirt and Gravel Road Pollution Prevention Maintenance Program (Program) funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

**A. Effective Date**

This apportionment is effective upon publication in the *Pennsylvania Bulletin*.

**B. Background**

The Commission approved the following allocations during their public conference call on October 15, 2013. FY 2012-2013 funds in the amount of \$3 were approved for reallocation according to 25 Pa. Code § 83.604(b). The funds were reallocated to Lehigh, Northampton and Pike County Conservation Districts. Each district will receive \$1.

Copies of the referenced statement of policy in 25 Pa. Code § 83.604, as published at 28 Pa.B. 4634 (September 12, 1998), and 75 Pa.C.S. § 9106 are available from C. Frederick Fiscus, III, Department of Environmental Protection, Bureau of Conservation and Restoration,

P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-7577.

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 13-2412. Filed for public inspection December 20, 2013, 9:00 a.m.]

**STATE EMPLOYEES'  
RETIREMENT BOARD****Hearings Scheduled**

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 28, 2014	Michael T. Toole Pension Forfeiture	1 p.m.
February 12, 2014	Kenneth N. Miller Pension Forfeiture	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence



to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 13-2413. Filed for public inspection December 20, 2013, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. Papay Real Estate Services, LLC; Doc. No. 0284- 56-11; File No. 10-56-05907

On October 10, 2013, the State Real Estate Commission (Commission) revoked the licenses of Debra A. Papay, license Nos. RM420949, AB060168L and RS186029L, of Pittsburgh, Allegheny County, based on the following: engaging in conduct that demonstrated bad faith, dishonesty, untrustworthiness or incompetency; failing to keep records of all moneys received by the broker that are required to be held in escrow; failing to deal honestly and in good faith; failing to exercise reasonable professional skill and care; failing to ensure that all services were provided in a reasonable, professional and competent manner; failing to act in a manner that was loyal to the seller by failing to act in the landlords' best interest; misappropriating and commingling money that is required to be held in escrow for business, personal or other purposes; failing to deposit money received by the broker into an escrow account maintained by the broker; and failing to provide information and records requested by the Commission.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the Commission's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals

who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

ANNIE HANNA CESTRA,  
*Chairperson*

[Pa.B. Doc. No. 13-2414. Filed for public inspection December 20, 2013, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Papay Real Estate Services, LLC; Doc. No. 0285- 56-11; File No. 11-56-00176

On October 9, 2013, the State Real Estate Commission (Commission) revoked the license of Papay Real Estate Services, LLC, license No. RB066674, of Pittsburgh, Allegheny County, based on the following: engaging in conduct that demonstrated bad faith, dishonesty, untrustworthiness or incompetency; failing to keep records of all moneys received by the broker that are required to be held in escrow; failing to deal honestly and in good faith; failing to exercise reasonable professional skill and care; failing to ensure that all services were provided in a reasonable, professional and competent manner; failing to act in a manner that was loyal to the seller by failing to act in the landlords' best interest; misappropriating and commingling money that is required to be held in escrow for business, personal or other purposes; failing to deposit money received by the broker into an escrow account maintained by the broker; failing to provide information and records requested by the Commission.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the Commission's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

ANNIE HANNA CESTRA,  
*Chairperson*

[Pa.B. Doc. No. 13-2415. Filed for public inspection December 20, 2013, 9:00 a.m.]

