

# PENNSYLVANIA BULLETIN

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Bureau of Professional and Occupational Affairs

Department of Agriculture

Department of Banking and Securities

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of General Services

Department of Health

Department of Labor and Industry

Department of Public Welfare

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Independent Regulatory Review Commission

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State Board of Cosmetology

State Board of Nursing

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

**No. 473, April 2014**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2014.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

**Correction; Proposed Amendments to Pennsylvania Rules of Disciplinary Enforcement 102, 218 and 219 to Adopt New Terminology to Differentiate Between the Annual Attorney Registration Fees Paid by Active and Inactive Attorneys; and to Provide for the Assessment of a Paper Processing Fee When an Attorney Elects Not to File the Annual Fee Form Electronically, Beginning with the 2015-2016 Assessment Year**

#### Notice of Proposed Rulemaking

The Disciplinary Board of the Supreme Court of Pennsylvania published proposed amendments to the Pennsylvania Rules of Disciplinary Enforcement 102, 218 and 219 at 44 Pa.B. 1865 (March 29, 2014). The e-mail address in the last paragraph of the preamble was incomplete. The correct contact information follows. The remainder of the document was accurate as published.

Interested persons are invited to submit written comments by mail, email, or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, P. O. Box 62625, Harrisburg, PA 17106-2625, Email address Dboard.comments@pacourts.us, Facsimile number (717-231-3382), on or before May 12, 2014.

[Pa.B. Doc. No. 14-751. Filed for public inspection April 11, 2014, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL [ 231 PA. CODE CH. 1900 ]

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 126 Republication**

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, August 1, 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 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

#### Rule 1901.7. Decision. Post-trial relief.

(a) The decision of the court may consist of only general findings of abuse but shall dispose of all claims for relief. The court's final order shall be rendered substantially in the form set forth in Rule 1905(e).

(b) No motion for post-trial relief may be filed to the final order.

**Official Note:** The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

**(c) If a final protection from abuse order directs the defendant to pay support to the plaintiff for the benefit of the plaintiff and/or a child, the plaintiff must file a complaint for support with the domestic relations section within two weeks of the date of the order or the support provisions of the order shall lapse automatically. If the plaintiff timely files with the domestic relations section, the support provisions of the final protection from abuse order shall remain in effect until a support order is entered.**

**(d) The custody provisions of a Protection From Abuse order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. § 5321 et seq. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions in paragraph 5 of the Protection From Abuse order.**

\* \* \* \* \*

#### Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

\* \* \* \* \*

(e) The Final Order of Court, or any amended, modified or extended Final Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

\* \* \* \* \*

5. Temporary custody of the minor children, (NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH) shall be as follows:

Check all that apply:

STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED, STATE TERMS OF PARTIAL CUSTODY [ OR VISITATION ], IF ANY.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

There is a current custody order as to the children of the parties:

\_\_\_\_\_ (county court)

\_\_\_\_\_ (docket number)

- A custody petition is pending.
- A hearing is scheduled for \_\_\_\_\_ (date, time and location)

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CUSTODY.

**The custody provisions of paragraph 5 of this order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. § 5321 et seq. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions of this order.**

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS.

\* \* \* \* \*

[Pa.B. Doc. No. 14-752. Filed for public inspection April 11, 2014, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BUCKS COUNTY

#### Order Promulgating Orphans’ Court Rule 3.7A—Electronic Filing and Service of Legal Papers

##### Order

*And Now*, this 26th day of March, 2014, Bucks County Orphans’ Court Rule 3.7A—Electronic Filing and Service of Legal Papers, is promulgated as follows:

#### **Bucks County Orphans’ Court Rule 3.7A. Electronic Filing and Service of Legal Papers.**

(a)(1) Any legal paper permitted to be filed under the Pennsylvania Orphans’ Court Rules may be filed electronically under the procedures set forth in this rule.

(b)(1) All legal papers to be electronically filed shall be presented in portable document format (“.pdf”) as authorized by Pa.O.C. Rule 3.7(b)(2).

(b)(2) Legal papers may be submitted to the Clerk of the Orphans’ Court in a hard copy format. In that event, the Clerk of the Orphans’ Court shall electronically scan such legal paper into .pdf format and maintain it in that format. Any documents scanned into .pdf format may be returned to the filing party for maintenance pursuant to Pa.O.C. Rule 3.7(c)(3).

(c)(1) All legal papers that are filed electronically shall be filed through the Clerk of the Orphans’ Court’s Electronic Filing System (“Electronic Filing System”). General access to the Electronic Filing System shall be provided through a link to the Orphans’ Court appearing on the County of Bucks website, at www.buckscounty.org.

(c)(2) Parties who are not attorneys shall register with the Electronic Filing System in order to file legal papers electronically. Registrants shall provide their name, mailing address, e-mail address, phone number, and other identifying information as required by the Clerk of the Orphans’ Court.

(d)(1) The Clerk of the Orphans’ Court shall accept credit and debit cards for payment of all filing fees and shall take reasonable steps to ensure payment.

(e) (Reserved)

(f)(1) Upon receipt of an electronically filed legal paper, the Clerk of the Orphans’ Court shall provide the filing party with an acknowledgement, which includes the date and time the legal paper was received by the Electronic Filing System. The Clerk of the Orphans’ Court shall also provide the filing party with notice that the legal paper was accepted for filing. If the legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Clerk of the Orphans’ Court shall immediately notify the party presenting the legal paper for filing the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor. All acknowledgements and notices under this subsection will be sent to the e-mail address provided by the filing party.

(f)(2) The Clerk of the Orphans’ Court shall maintain an electronic copy of all legal papers filed.

This new Rule shall become effective upon publication on the Pennsylvania Judiciary’s Web Application Portal.

Final written approval for implementation of the Electronic Filing System as described within Bucks County Orphans’ Court Rule 3.7A shall be issued by the Court.

*By the Court*

JEFFREY L. FINLEY,  
*President Judge*

[Pa.B. Doc. No. 14-753. Filed for public inspection April 11, 2014, 9:00 a.m.]

### FOREST COUNTY

#### Crime Victim’s Compensation Fund and Victim Witness Services Fund; Misc. Doc. 2 of 2014

##### Administrative Order

*And Now*, this 5th day of March, 2014, pursuant to Title 18, Section 11.1101, the Court hereby approves the increased assessment of the Crime Victim’s Compensation

Fund and Victim Witness Services Fund to a total of \$100.00, unless otherwise ordered by the court. This cost shall be imposed at both the Magisterial District Courts and the Common Pleas Court of the 37th Judicial District notwithstanding any statutory provision to the contrary.

Pursuant to Title 18, Section 11.1101 Costs (b) Disposition,

1. Thirty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 30% of the costs imposed under subsection (a)(1) which exceed \$60.00 (a total of \$47.00) shall be paid into the Crime Victim's Compensation Fund, and

2. Twenty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 70% of the costs imposed under subsection (a)(1) and (2) which exceed \$60.00 (a total of \$53.00) shall be paid into the Victim Witness Services Fund.

The costs assessed and collected under Section (b)(2) that exceed \$60.00 shall be returned by the Pennsylvania Commission on Crime and Delinquency to the County of Forest for victim witness services.

*It Is Ordered* that this Administrative Order shall be effective (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

*It Is Further Ordered* that in accordance with P.A.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts.

(b) Distribute two (2) certified copies hereof and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee,

(d) File one (1) copy with the Prothonotary/Clerk of Court of the 37th Judicial District. Said Administrative Order shall be posted on the Court website of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the Prothonotary/Clerk of Court upon request and payment of reasonable costs of reproduction and mailings.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

[Pa.B. Doc. No. 14-754. Filed for public inspection April 11, 2014, 9:00 a.m.]

## LEHIGH COUNTY

### Orphans' Court Rules; File No. AO 2014-0002

#### Administrative Order

*And Now*, this 20th day of March, 2014, the following are adopted as the Local Rules of the Orphans' Court Division of the Court of Common Pleas of Lehigh County, Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. All other Local Rules of the Orphans' Court Division, to the extent they are inconsistent herewith, are superseded here.

*By the Court*

CAROL K. MCGINLEY,  
*President Judge*

## Rules of the Orphans' Court Division of the Court of Common Pleas of Lehigh County Integrated with Supreme Court Orphans' Court Rules

Adopted March 20, 2014

Effective May 15, 2014

### Local Rules of the Orphans' Court of Lehigh County

(Integrated with Pennsylvania Supreme Court Orphans' Court Rules)

The current website for electronic access to the forms is found at

<http://www.aopc.org/Index/Forms/IndexForms.asp>.

The explanatory notes, comments and source of the Supreme Court Rules have not been repeated here. See full State Rules for those.

Local Rules 1 through 13 herein are revised as of May 15, 2014.

Local Rules for Supreme Court Rule 14 herein are as revised as of April 1, 1981 and reflect the Supreme Court Rules in effect at that time.

Local Rule 15 herein is revised as of June 12, 1989.

Any reference to a Supreme Court Rule in the section for Rules 14 and 15 may not reflect the most current Supreme Court Rule.

#### Rule 1.2-1. Local Rules.

All local rules adopted by the Orphans' Court Division of the Court of Common Pleas of Lehigh County shall be known as Lehigh County Orphans' Court Rules and shall be cited as "Leh. O.C. Rule \_\_\_\_\_."

#### Rule 1.3-1. Local Forms.

From time to time, the Court may approve forms to facilitate practice and procedure before the Court and such forms are maintained at the Court's website at [www.lccpa.org/orphans](http://www.lccpa.org/orphans).

#### Rule 2.1-1. Number. Gender. Tense.

The singular shall include the plural, and the plural the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in past or present tense shall include the future.

#### Rule 2.3-1. Additional Definitions.

(a) "Code" means the Decedents, Estates and Fiduciaries Code, 20 Pa.C.S.A. § 101 et seq., as amended.

(b) "Rule" means any rule of Court promulgated by the Supreme Court of Pennsylvania or the Orphans' Court Division of the Court of Common Pleas of Lehigh County.

(c) "Except as otherwise provided" means "except as otherwise provided by statute, by Supreme Court rule, or by specific rules or special order of this Court".

(d) "Director" means the Director of Orphans' Court Operations.

(e) "Register of Wills" means the Clerk of Judicial Records—Register of Wills Division.

#### Rule 2.4. Business of the Court.

##### Rule 2.4-1. Legal Papers.

All legal papers shall conform to the following requirements:

(a) Be typewritten or printed on 8 1/2 inch by 11 inch white paper (except for dividers and similar sheets) of good quality;

(b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.;

(c) The text shall be double spaced, but quotations more than two lines long may be indented and single spaced. Margins must be at least one inch on all four sides;

(d) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be lettered on both sides of a page;

(e) Be firmly bound by means of a metal binder clip only and numbered consecutively at the bottom;

(f) If filed by an attorney, shall be endorsed with his name, Supreme Court Identification Number, office address, telephone number and facsimile number; and

(g) If filed pro se (an unrepresented party), shall be endorsed with his name, address and telephone number.

**Rule 2.4-2. Hearing and Argument Lists.**

The Court will schedule Hearing and Argument on any matter as needed and at the discretion of the Court. Any interested party may request the Court to schedule hearing or argument by filing a praecipe setting forth that request.

**Rule 2.4-3. Briefs.**

In all matters where briefs are to be filed, an original and one copy shall be filed with the Clerk of Orphans' Court and served upon the other parties in interest in accordance with these Rules. All briefs shall include proper legal citations conforming with the Uniform System of Citations and contain:

(a) A title page upon which shall appear the caption of the case, including its file number; a designation of the party upon whose behalf the brief is filed and of the matter involved;

(b) A statement or counter-statement of the questions involved; in which each question involved shall be set forth clearly and succinctly in a single sentence which can be answered either "Yes" or "No.";

(c) A statement or counter-statement of the case;

(d) Summary of argument;

(e) Argument, in which each question involved shall be the subject of a separate and distinct subdivision;

(f) A short conclusion stating the precise relief sought; and

(g) The signature of the attorney or pro se litigant filing the brief.

**Rule 2.4-4. Time for Filing Briefs.**

(a) The brief of the moving party shall be filed and served two (2) weeks prior to argument or as otherwise directed by the Court.

(b) The brief of the responding party shall be filed and served one (1) week prior to argument or as otherwise directed by the Court.

**Rule 2.4-5. Oral Argument. Procedure.**

In all arguments, counsel for the moving party or parties shall present oral argument which shall be followed by oral argument by counsel representing the party or parties having an adverse interest and then by rebuttal by counsel for the moving party. Not more than one attorney shall be heard on any side of an issue, except

that if several parties have adverse interests, counsel for each such party shall be heard. Each attorney shall be limited to thirty (30) minutes for the presentation of oral argument unless such time be shortened or extended by the Court.

**Rule 2.5. Attorneys. Appearance.**

(a) *Entry of Appearance.*

(1) Every attorney employed in any proceeding shall enter his or her appearance by written praecipe or by endorsement on papers filed.

(2) Every attorney presenting or filing any paper with the Court or the Clerk shall endorse thereon his or her name, Supreme Court identification number, office address and telephone number.

(b) *Withdrawal of Appearance.*

An attorney's appearance for a party may not be withdrawn without leave of court unless another attorney has entered or simultaneously enters an appearance for the party and the change of attorneys does not delay any stage of the litigation.

**Rule 2.6. Sureties.**

**Rule 2.6-1. Individuals and Attorneys as Sureties.**

(a) *Court Approval Required.*

No individual or attorney shall serve as surety on a bond of a fiduciary until he has submitted to the Court a petition for approval as provided in subparagraph (b) hereof and the same has been approved by the Court.

(b) *Content of Petition for Approval.*

Every request for the approval of an individual or attorney as surety shall consist of a petition by the proposed surety, under oath, setting forth:

(1) His name, residence address, occupation and marital status;

(2) The location of real property owned by him, or so much thereof as may be sufficient;

(3) The place, book and page of the recording of the deed thereto;

(4) The name in which title is held and a statement that no other person has any interest in the real property, and that the title is not subject to any express or constructive trust;

(5) The encumbrances and the amounts thereof, if any, upon the real property;

(6) The current tax assessments of any real property included in the affidavit;

(7) A list of all other undertakings upon which the individual is surety; and

(8) A statement of financial worth setting forth in detail all of his gross assets and all of his liabilities.

(c) *Bond and Confession of Judgment.*

Whenever a party in interest is authorized to execute his individual bond or whenever individual surety is approved, the bond shall contain a warrant of attorney authorizing the Court to confess judgment with or without default, and the party shall be responsible for ensuring that judgment thereon is confessed and entered of record in the office of the Clerk of Judicial Records—Civil Division at the earliest moment following the Court's approval of the bond. Costs shall be borne by the principal.

(d) *Court Approval of Bond Required.*

Whenever authority is granted by the Court for the entry of individual surety, the bond shall be submitted to the Court for approval before the same is filed of record.

**Rule 2.6-2. Corporations as Sureties.**

Surety companies duly authorized to do business in this Commonwealth may become surety on any bond or obligation required to be filed with the Court.

**Rule 3.2. Petition, answer and reply.**

(a) On or before the return day fixed in the citation or order, and in all other cases within twenty days after service upon him of a copy of any petition, a party opposing the granting of the prayer of the petition shall file an answer admitting or denying the averments of fact of the petition and specifically stating his objections thereto and averring the facts relied upon by him.

(b) Within twenty days after service upon him of a copy of an answer, a petitioner may file a reply thereto and admit, deny or avoid the facts averred in the answer.

*Local Note:* Section 764 of the Code requires that “a citation shall direct the party (or parties) named therein to file a complete answer under oath to the averments of the petition on or before a day certain which shall be not less than ten days after the service thereof.” (Italics supplied.) Consequently, where a citation or order has issued the return day fixed in the citation or order shall determine the time within which an answer to the petition shall be filed. In all other cases an answer shall be filed within twenty days after service of the petition as prescribed in Pa.O.C. Rule 3.2

**Rule 3.2-1. Limitation of Pleadings.**

The pleadings in the Orphans’ Court Division shall be limited to a petition, an answer, a reply, preliminary objections, and, when facts are properly alleged in preliminary objections, an answer to preliminary objections.

**Rule 3.2-2. Signature and Verification.**

All pleadings, including every petition, answer and reply, containing an allegation or allegations of fact, shall be signed by the petitioner or his attorney and attested either by an affidavit or by a verified statement of the petitioner setting forth that it is subject to the penalties of 18 Pa.C.S.A. § 4904 (relating to unsworn falsifications to authorities). When it is impractical to comply with the foregoing, the pleading may be signed and attested by someone familiar with the facts, in which case the reason for the failure of the petitioner to sign shall be set forth in the attestation.

**Rule 3.4-1. Exhibits. Certification.**

(a) There shall be attached to all petitions as exhibits the originals or copies of all wills, codicils, agreements and other written instruments relied upon.

(b) The signature of an attorney to a petition shall constitute a certification by that attorney that all copies of written or printed instruments, records or documents which are not certified or authenticated, are true and correct copies of the original.

**Rule 3.4-2. Exhibits. Foreign Language. Translation.**

Whenever a written instrument in a language other than English is attached to a petition as an exhibit, it shall be accompanied by an English translation sworn to or affirmed by the translator to be a true and correct translation of the original.

**Rule 3.4-3. Consents. Joinders. Averments.**

All petitions shall aver that parties in interest are petitioners, or that all consents or joinders of all necessary parties are attached to the petition, or set forth the names of all necessary parties whose consents, approvals or joinders are attached to the petition and the names of all necessary parties whose consent or joinders are not attached to the petition.

**Rule 3.4-4. Consents. Joinders. Form. Acknowledgment.**

(a) Whenever a party other than a petitioner desires to consent to or join in the prayer of a petition, there shall be appended to the petition, a written “Consent” or “Joinder” signed by the parties substantially in the following form:

I, \_\_\_\_\_, having read and considered the contents of the foregoing petition, do herewith waive the benefit of all requirements of notice of the presentation, or service upon me, of said petition, do authorize the Court to note my general appearance in said proceeding as though I had appeared personally or by counsel, do herewith waive all objections to the Court’s jurisdiction over my person, and do herewith [consent to the entry of an order as prayed for in said petition] or [join in the prayer of said petition].

(b) All “Consents” and “Joiinders” shall be acknowledged before a notary public or other officer duly authorized to take the same.

The acknowledgment shall be substantially in the following form:

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
 COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_ before me a \_\_\_\_\_ in and for \_\_\_\_\_, personally appeared \_\_\_\_\_ who was known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing (consent) (joinder) and acknowledged the same to be \_\_\_\_\_ act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and \_\_\_\_\_ seal the day, month and year aforesaid.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires:

**Rule 3.4-5. Decree. Form.**

(a) Every decree attached to a petition shall be set forth or commenced upon a separate page on which shall appear the caption of the case, a heading consisting of the word “Decree” or the word “Order”, the contents of the decree, and a place for the Court’s signature.

(b) In all cases the decree or order shall be appended to the face of the petition, not to the back thereof.

**Rule 3.5-1. Citations, Rules to Show Cause and Notice of Filing.**

(a) *Citation to Obtain Jurisdiction of a Person.*

When jurisdiction over the person of the respondent is required and has not previously been obtained, a citation to obtain such jurisdiction together with a copy of the Court’s preliminary order shall be served in the manner set forth in Section 765 of the Code and proof of service thereof shall conform to Section 766 of the Code. The petition requesting the issuance of a citation together

with a proposed order may be filed with the Clerk or presented in Orphans' Court Motions Court. If the preliminary order is signed by the Court at Orphans' Court Motions Court, counsel shall file said order and the petition and pay appropriate fees, after which a citation will issue.

In the case of a petition for the appointment of a guardian for an incapacitated person filed under 20 Pa.C.S.A. § 5511, see paragraph a of that section for additional service requirements.

*Local Note:* See Pa.R.C.P. Rule 400 et. seq. regarding service on residents of the Commonwealth of Pennsylvania.

(b) *Citation, Rule to Show Cause and Notice of Filing in Actions in Rem.*

In all proceedings in which jurisdiction of the person is not required (i.e., in all proceedings in rem where jurisdiction of the Court attaches because of the presence of property within the jurisdiction of the Court) the proceedings may be by notice to all parties in interest, whether within or without the Commonwealth of Pennsylvania, and the initial notice may be in the form of a citation, a rule to show cause or a written notice of filing. In all such cases, service upon a party of:

(1) the citation together with a copy of the Court's preliminary order;

(2) the rule to show cause; or

(3) the notice of filing together with a copy of the proposed order of court, and proof of service thereof, shall be as provided generally for notice in Rule 5, Notice unless a statute or other Rule requires or permits a different method of notice (e.g. Rule 15, Adoptions).

A petition for which a notice of filing is to be served as aforesaid shall first be filed with the Clerk. A petition requesting the issuance of a citation or a rule to show cause together with a proposed order may be filed with the Clerk or presented in Orphans' Court Motions Court. If the preliminary order is signed by the Court at Orphans' Court Motions Court, counsel shall thereupon file the order and petition and pay the appropriate fees.

*Local Note:* A citation is not, nor should it be used as, a substitute for the notice required in conjunction with the filing of accounts (See Rule 6.3). Many special petitions are in rem proceedings (See Rule 12) and require only the issuance of a rule to show cause or a written notice of prior filing with the Clerk, not the issuance of a citation.

(c) *Supplemental Petitions and Motions.*

All supplemental petitions or motions to a petition already filed pursuant to subsection (a) or (b) shall be by notice in the form of a rule to show cause or written notice of filing. In all such cases, service upon a party of the rule to show cause or written notice of filing (together with a copy of the proposed order of court), and proof of service thereof, shall be as provided in Rule 5, Notice.

(d) *Rule To Show Cause.*

When notice of any proceeding is in the form of a rule to show cause (rather than a citation or written notice of filing), the rule shall be substantially in the form set forth in sub-section (h)(1) below and shall include, in bold face type:

(1) a statement that any party opposed to the granting of the prayer of the petition or motion shall file a written answer or other responsive pleading thereto with the Clerk on or before the return date fixed in the rule; and

(2) a statement that if the party fails to file a timely written answer or other responsive pleading, the averments of fact set forth in the petition or motion shall be deemed admitted and the Court, on its own motion or upon praecipe may enter an order granting the prayer thereof without further notice to the party.

(e) *Notice.*

When notice of any proceeding is in the form of a written notice of filing (rather than a citation or rule to show cause) the notice shall be substantially in the form set forth in sub-section (h)(2) below and shall include, in bold face type:

(1) the date on which the petition or motion was filed with the Clerk;

(2) a statement that any party opposed to the granting of the prayer of the petition or motion shall file a written answer or other responsive pleading thereto with the Clerk within twenty (20) days after service (or such other period as specially set by the Court or other rule, see Rule 3.2); and

(3) a statement that, if the party fails to file a timely written answer or other responsive pleading, the averments of fact set forth in the petition or motion shall be deemed admitted and the Court, on its own motion or upon praecipe may enter an order granting the prayer thereof without further notice to the party.

(f) *Praecipe.*

In the absence of a responsive pleading and/or after the pleadings have closed, any party may file a praecipe in the form set forth in sub-section (h)(3) below requesting that the Court proceed on the motion or petition. A copy of the praecipe shall be sent to each party by regular mail.

(g) *Alternative Service.*

Whenever service cannot be made as otherwise provided in this Rule and the facts thereof are made known to the Court by an affidavit supplementing the original petition or motion sought to be served, the Court may enter an order awarding an alias or pluries citation or other order (which may provide for service by publication or other means) as the Court deems necessary.

(h) *Forms.*

(1) Rule To Show Cause—See Appendix A.

(2) Notice—See Appendix B.

(3) Praecipe—See Appendix C.

(i) Uncontested Petitions and Motions.

Applications, petitions, motions or other miscellaneous business certified as uncontested may be filed with the Clerk or presented in Orphans' Court Motions Court.

#### **Rule 3.5-2. Answer. New Matter.**

Any defense which is not a denial of the averments of fact set forth in the petition shall be set forth in the answer under the heading "New Matter."

#### **Rule 3.5-3. Reply. When Required.**

A reply shall be required only when new matter is set forth in the answer.

#### **Rule 3.5-4. Preliminary Objections. Time for Filing. Answer. Briefs. Argument.**

(a) Preliminary objections shall be filed on or before the return day fixed in the citation or order and in all other cases within twenty (20) days after service of the petition.

(b) Preliminary objections shall be available to any party, but shall be limited to questions of law, of form, or of jurisdiction.

(c) Preliminary objections shall not contain averments of fact except in the case of an objection raising a question of jurisdiction.

(d) An answer to preliminary objections shall be limited to admissions or denials of averments of fact concerning jurisdiction set forth in the preliminary objections and shall be filed within twenty (20) days after service of the preliminary objections, otherwise an answer to preliminary objections shall not be filed.

(e) Within twenty (20) days after preliminary objections not raising issues of fact have been filed, the objector shall file his or her brief with the Clerk and serve a copy thereof upon all other parties in interest, failing which the preliminary objections shall be dismissed as of course. Upon receipt of a brief timely filed, the Clerk shall list the case for argument and notify all parties in interest. Answering briefs shall be filed with the Clerk not less than one (1) week prior to the date for argument.

(f) When preliminary objections involve a question of jurisdiction based on questions of fact and a hearing is required prior to argument, the procedure shall conform to Rule 2.4-2 supra.

#### **Rule 3.5-5. Pleadings. Disposition.**

##### *(a) Failure to Answer.*

If the respondent fails to file an answer, as herein provided, the averments of fact set forth in the petition shall be deemed admitted and the case shall be at issue. The Court may then, sua sponte or upon praecipe, with or without a hearing, enter a decree granting the prayer of the petition.

##### *(b) Failure to Reply.*

If the petitioner fails to file a reply to an answer which contains new matter, the averments of fact set forth under new matter shall be deemed admitted and the case shall be at issue.

##### *(c) Failure to File an Answer to Preliminary Objections.*

If the petitioner fails to file an answer to preliminary objections raising questions of jurisdiction, the averments of fact set forth in the preliminary objections shall be deemed admitted and the case shall be deemed at issue. The Court may then, sua sponte or upon praecipe, with or without argument, enter an appropriate decree.

##### *(d) Judgment on the Pleadings.*

(1) In an appropriate situation, judgment on the pleadings will be entered upon motion of any party entitled thereto.

(2) All motions for judgment on the pleadings shall be accompanied by a brief in support thereof.

#### **Rule 3.6-1. Discovery.**

(a) The practice relating to discovery shall be by special Order of the Court in each case.

(b) Leave of Court must be granted to obtain discovery of any kind or the perpetuation of testimony. Requests may be made by petition or oral motion, with proper notice or the consent of all parties.

(c) A petition to perpetuate testimony shall include the averments required by Pa.R.C.P. 1532.

#### **Rule 3.6-2. Pre-hearing Conference.**

(a) In any proceeding before the Court, the Court may direct the parties and counsel to appear for a pre-hearing conference.

(b) At least five (5) business days prior to the date of the pre-hearing conference, each party shall file with the Clerk and serve upon each other party a written pre-hearing statement which shall contain:

(1) A listing of the legal and factual issues and relief requested;

(2) The names and addresses of all witnesses to be called during the hearing and a statement as to whether each witness is a fact witness or an expert witness;

(3) An identification of all exhibits to be used at any hearing;

(4) Any list of proposed stipulations or agreements;

(5) Any proposed amendments to pleadings;

(6) Such other matters as may aid the Court in the disposition of this action;

(7) An identification of hearing counsel, along with counsel's name, address, email address, telephone number and facsimile number;

(8) An estimate of the length of the hearing; and

(9) A Statement as to the status of settlement negotiations.

#### **Rule 5.1-1. Written Notice.**

Except as otherwise provided, all notices shall be in writing and signed by the party or his counsel of record.

#### **Rule 5.1-2. Service of Notice on Attorney.**

Notice served personally on an attorney of record, or on an employee at his office, or by mail addressed to his office, or to an address endorsed upon pleadings or accounts shall be notice to the party whom he represents, except when personal service on the party is specifically required by Act of Assembly, by rule of court or special order of court. A notice may also be served on an attorney of record by facsimile transmission, or e-mail if the parties agree thereto, or if a telephone number, facsimile, or e-mail address is included on an appearance or prior legal paper filed with the Court.

#### **Rule 5.1-3. Service of Notice on Non-resident Personal Representative.**

Notice upon a personal representative who is or becomes a non-resident of the Commonwealth may be made in accordance with the provisions of Section 5322(a)(7)(i) of the Judicial Code, 42 Pa.C.S.A. § 5322(a)(7)(i).

#### **Rule 5.1-4. Service of Notice by Mail.**

(a) Service of notice by mail in an in rem proceeding of the initial notice required by Rule 3.5-1(b) in the form of a citation, rule to show cause, or written notice of filing shall be by certified or registered mail.

(b) Except as otherwise provided, service of notice by mail, including but not limited to notice of audit pursuant to Rule 6.3, shall be made by ordinary mail, registered mail, or certified mail.

#### **Rule 5.1-5. Notice by Publication.**

(a) The *Lehigh Law Journal* shall be the legal periodical for the publication of all notices.

(b) A party may file a petition requesting leave of court to give notice in such manner other than that set forth in Rule 5.1(a), (b) and (c).

**Rule 5.2-1. No Guardian or Trustee.**

Whenever notice is to be given to a person who is not sui juris and for whom there is no guardian or trustee, notice shall be given by serving it upon him, if he is over fourteen (14) years of age, and, in all cases, upon:

- (a) His agent under power of attorney;
- (b) His spouse, if sui juris;
- (c) His next of kin, if sui juris;
- (d) The person with whom he resides or by whom he is maintained;
- (e) The superintendant or other official of the institution having custody of him; or
- (f) In such manner as the Court, by special order, may direct.

**Rule 5.2-2. Absentees, Presumed Decedents and Unknown or Unascertained Persons.**

Whenever notice is to be given to an absentee, presumed decedent or an unknown or unascertained person, it shall be given in such manner as the Court, upon petition by special order, shall direct.

*Local Note:* See "Note" following Pa.R.C.P. 430 re: "good faith effort" to discover correct address.

**Rule 5.3-1. Time for Notice by Publication.**

Whenever notice of the intention to do any act, including the sale of real property, is given by publication, the last published notice shall be not less than ten (10) days prior to the return day, the day of hearing, the day fixed for the sale or the day fixed for the doing of said act. (See also Pa.O.C. Rule 4.2.)

**Rule 5.3-2. Completion of Service.**

Service by mail, if perfected, is complete upon mailing. Service by facsimile is complete when transmission is confirmed as complete.

**Rule 5.4-1. Return of Notice. Form of Affidavit.**

A return of notice shall be filed with the Clerk on or before the date set for the occurrence of the event for which notice has been given. The form of affidavit shall substantially conform to the forms appended to this section as follows:<sup>1</sup>

(a) If notice was given by personal service, the affidavit shall be in the following form:

(CAPTION)

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
 COUNTY OF LEHIGH )

NAME, being duly sworn according to law, deposes and says that he personally served the notice attached hereto upon NAME, by handing him a true and correct copy thereof,<sup>2</sup> on DATE, at TIME, at ADDRESS, and making known the contents thereof and further that the facts are true and correct.

/s/ \_\_\_\_\_

<sup>1</sup> If notice has been given upon a person who is not sui juris, see Rule 5.2 for additional information to be included in return of notice.  
<sup>2</sup> Whenever notice is accompanied by other documents, e.g., a copy of an account and statement or proposed distribution, insert that fact here.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witness

(b) If notice was given by mail, facsimile or electronic transmission, the affidavit shall be substantially in the following form:

(CAPTION)

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
 COUNTY OF LEHIGH )

NAME, being duly sworn according to law, deposes and says that he served the notice attached hereto on NAME, by (Insert form of service and whether a return receipt was requested) on DATE, if applicable, that attached hereto is the signed return receipt card which accompanied the mailing<sup>3, 4</sup>; and that the above facts are true and correct.

/s/ \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witness

(c) If notice was given by publication, an affidavit in the following form shall be filed:

(CAPTION)

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
 COUNTY OF LEHIGH )

NAME, being duly sworn according to law, deposes and says that the present address of NAME is unknown; [that a true and correct copy of the notice attached hereto was forwarded to NAME, at his last known residence at ADDRESS, by mail on DATE; that said mail was returned unopened and undelivered by the post office; that said unopened and undelivered letter is attached hereto;]<sup>5</sup> that notice was given by publication once a week for three (3) successive weeks on DATE, DATE, and DATE in the PUBLICATION, a newspaper of general circulation published in the LOCATION OF PUBLICATION, and by publication one (1) a week for three (3) successive weeks on DATE, DATE, and DATE in the PUBLICATION, the legal periodical published in LOCATION OF PUBLICATION; that attached hereto are the proofs of publication of said notice in said newspaper and legal periodical; and that the facts set forth herein are true and correct.

/s/ \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witness

<sup>3</sup> If the receipt is not signed or is not returned, the affidavit shall so state, together with the reason therefore, if known. When the notice is not delivered and the unopened letter is returned to the sender, the affidavit should conform to the first part of the form under 5.4-1(c).  
<sup>4</sup> If mailed, requesting a return receipt, to a foreign country (many of which will not return the receipt card), set forth any facts indicating that the notice was received.  
<sup>5</sup> If initially notice was given by publication, the portion of the form enclosed in brackets shall be omitted from the return.



**Rule 6.1-1. Form. Additional Requirements.***(a) Form. General.*

Accounts shall conform to the Uniform Fiduciary Accounting Principles and Model Account format approved by the Pennsylvania Supreme Court and any amendments and supplements thereto, except that the following schedules shall reflect investments alphabetically, with all activity for each investment reported chronologically below the listing for that investment: Receipts, Gains or Losses On Sales Or Other Distributions, Investments Made, Changes In Holdings and Balance On Hand. See Appendix D for example.

*(b) Form. Title of Accounts.*

(1) All accounts shall be designated consecutively, as the case may be, viz.: First and Partial, Second and Partial, etc.; First and Final, Second and Final, etc.;

(2) Accounts filed after the filing of a final account shall be designated "First (Second, as the case maybe) Supplemental Account to (Title of the original account);

(3) When an account which has been filed is restated in its entirety, it shall carry the title of the original account with the words "As Restated" added;

(4) The titles "Amended" or "Revised Account" shall not be used.

*(c) Form. Appointed Estates.*

Assets appointed by the donee of a testamentary power and which must be accounted for by the fiduciary of the donee because they were awarded to him by a court of the donor's jurisdiction, shall be shown in an entirely separate account. Such assets shall not be included in an account of the donee's own estate unless the court of the donor's jurisdiction has adjudicated a blending by the donee of the appointed estate with his own. Separate accounts of the appointed estates shall be captioned in the name of the estate of the donor of the power. The caption shall also set forth accountant's name, describing him as fiduciary of the donee, and the court which awarded the assets to accountant.

*(d) Form Blending.*

Items of distribution shall not be blended with credit items. Accounts containing such blending shall not be filed, and if filed, will not be confirmed.

*(e) Form Supplemental Accounts.*

Supplemental accounts shall conform to the original accounts in every detail, including form, execution and verification.

**Rule 6.2-1. Caption. Accounts for Minors. Additional Content.**

The caption of all accounts filed for the estates of minors shall set forth the date of birth of the minor.

**Rule 6.3-1. Notice. Co-fiduciaries.**

Written notice of the filing of the account and the call thereof for audit shall be given to all co-fiduciaries who do not join in stating the account in accordance with Rule 6.3-4 hereof and proof thereof filed in accordance with Rule 6.3-6 hereof.

**Rule 6.3-2. Notice. Charitable Gifts.**

(a) In every proceeding involving a bequest or devise to a charity or for a charitable use outside the Commonwealth of Pennsylvania, if notice is required pursuant to Rule 5.5, written notice of the filing of the account and of

the call thereof for audit shall also be given to the Attorney General of the state wherein the legatee is domiciled.

(b) A clearance letter or certificate, if one has been issued by the Attorney General or Attorneys General, as the case may be, shall be submitted to the Court at or before the audit of the account.

**Rule 6.3-3. Notice. Department of Revenue. United States Veterans' Administration.**

Whenever under the provisions of Rules 6.7 and 6.8 hereof a copy of the account is required to be filed with the Department of Revenue of the Commonwealth of Pennsylvania or the United States Veterans' Administration, written notice of the filing of the account and the call thereof for audit in accordance with Rule 6.3-4 hereof shall accompany the account and proof thereof filed in accordance with Rule 6.3-6 hereof.

**Rule 6.3-4. Notice. Additional Contents. Copies of Account and Petition for Adjudication.**

Notices required by Rules 6.3, 6.3-1, 6.3-2 and 6.3-3 hereof shall, in addition to information required by Rule 6.3, include the following:

(a) Caption and file number of the estate;

(b) Title of account;

(c) Date and place of filing of the account;

(d) A statement that the party receiving notice shall be entitled to appear and be heard in person or by counsel at the call of the account for audit if he so desires;

(e) A complete, true and correct copy of the account and the petition for adjudication and distribution, including the statement of proposed distribution, including all exhibits appended thereto, shall accompany the notice of the filing of the account and of the call for audit, in the absence of a written waiver, to the following:

(1) Residuary heirs and legatees who have not joined in stating the account;

(2) Unpaid creditors or claimants who have given notice of their claims to the accountants or who are known to the accountants;

(3) A specific, pecuniary or general heir, legatee or devisee whose legacy or devise has adeemed or abated, in part or in full, or remains unpaid as of the filing of the account, except those who have joined in stating the account; and

(4) Such others as the Court may direct.

**Rule 6.3-5. Notice. Time.**

Whenever written notice of the filing of an account and the call thereof for audit is required to be given, at least three (3) full weeks shall elapse between the giving of such notice and the audit day. Whenever a guardian ad litem or a trustee ad litem is appointed within three (3) weeks of the audit date, then the audit date shall be continued if requested by the guardian ad litem or the trustee ad litem.

**Rule 6.3-6. Notice. Return.**

On or before the date for the call of the account for audit, the accountant, or his counsel, shall file with the Court a return of notice as prescribed in Rules 5.4 and 5.4-1.

**Rule 6.3-7. Notice. Supplemental Accounts.**

(a) Whenever a supplemental account is filed before the original account is called for audit, notice thereof

shall be given as nearly as possible in accordance with Rule 6.3-4 and proof of notice filed in accordance with Rule 6.3-6, and, provided at least ten (10) days elapse between the giving of such notice and the day on which the original account is called for audit, the Court will audit both the original and supplemental accounts. In the event the aforementioned notice is not given or that the requisite ten (10) days between notice and the call for audit do not elapse, the Court will audit both accounts and a true and correct copy of the supplemental account will be served with the Court's adjudication and order as provided by Rule.

(b) Whenever a supplemental account is filed after the original account is called for audit, notice shall be given as the Court may direct.

**Rule 6.4-1. Time for Filing with Clerk of Orphans' Court.**

Accounts to appear on a particular audit list shall be filed not later than the closing date fixed for that audit list by the Court calendar.

**Rule 6.4-2. Time for Filing. Supplemental Accounts.**

When a final account has been filed for audit, a supplemental account of receipts and disbursements after such filing, conforming to the requirements of Rule 6 and 6.1-1 and signed by all of the accountants joining in stating said Supplemental Account, may be filed with the Clerk before, or with the Court at, the call of the final account for audit, or whenever the Court shall direct.

**Rule 6.6-1. Accounting of an Agent.**

The account of an Agent acting under a Power of Attorney shall be filed with the Clerk.

**Rule 6.9-1. Statement of Proposed Distribution. Form. Contents.**

A statement of proposed distribution shall include:

(a) A statement of the principal and income balances currently in the hands of the accountant for distribution together with a total balance for distribution as per summary in account. The values of assets on hand should be stated both as the fiduciary acquisition value and the market value as of the end of the accounting period.

(b) List of distributees and:

(1) An itemized list of the assets to be distributed to each distributee, a reference to the portion of the will authorizing distribution of each item, the value of each item so to be distributed and the value of all items distributed to each distributee.

(2) In the case of a minor, incapacitated distributee or deceased distributee, the name of the estate, the personal representative or guardian and the proper fiduciary designation. The Court will order distribution to the personal representative of the estate of the deceased distributee or, in appropriate cases, directly to the heirs, legatees or devisees of the deceased distributee and subject to such conditions as the Court shall deem proper.

**Rule 6.9-2. Amended Statement of Proposed Distribution.**

(a) An amended statement of proposed distribution may be filed as of course with the Clerk at any time after the account and petition for adjudication and distribution have been filed and before the same are called for audit, and thereafter with leave of or at the direction of the Court.

(b) An amended statement of proposed distribution shall contain the caption of the case, a heading "Amended Statement of Proposed Distribution," contents in conformity with Rule 6.9-1 hereof, and shall be signed by the parties who executed the petition for adjudication and distribution, or their counsel of record.

(c) An amended statement of proposed distribution shall include all exhibits which are not already part of the record.

(d) Notice of an amended statement of proposed distribution shall be given in the same manner as in the case of a supplemental account (See Rule 6.3-7) and shall include the reason therefore.

**Rule 6.9-3. Distribution. Special Situations.**

(See Rules 12 and 13.)

**Rule 6.9-4. Distribution. In Kind.**

Whenever unconverted personalty or realty is included in the balance of an account and distribution thereof in kind is proposed, a writing shall be filed with the petition for adjudication and distribution, signed by the prospective distributee or distributees and acknowledged before a person duly authorized to take acknowledgments, setting forth his or their election to take in kind, designating clearly and accurately the particular asset or assets included in the election, stating the values at which said asset or assets shall be allotted, and requesting the Court to order distribution accordingly; provided that the foregoing rule shall not apply in the following instances:

(a) When the distribution is in satisfaction of a specific bequest or devise;

(b) When the proposed distributee has, in a proper fiduciary capacity, stated or joined in the statement of the account and executed and verified the petition for adjudication and distribution.

(c) When the will specifically authorizes the accountant to make distributions in-kind.

**Rule 6.9-5. Distribution. In Kind. Real Estate.**

Whenever the distribution of unconverted real estate is proposed, whether in satisfaction of a specific devise or a request for distribution in kind, there shall be submitted with the petition for adjudication and distribution a description by metes and bounds and Parcel Identification Number ("PIN") of each tract or parcel of realty to be distributed, together with a recital of the derivation of decedent's title. Counsel for the accountant shall certify that he has examined the last recorded deed or the record thereof in the public office for the recording of deeds in the county in which the real estate is located and that the description submitted is a true and exact copy of the description contained in the recorded deed.

**Rule 6.9-6. Distribution of After-Discovered Assets.**

(a) Whenever additional assets are discovered after audit and final confirmation of an account, a petition by the personal representative or any party in interest may be presented to the Court without the filing of a supplemental inventory or a formal accounting. The petition shall comply with Rule 3.4 above and set forth that no transfer inheritance tax is due or that any such tax due has been paid as shown by a true and correct copy of the official receipt therefor attached to the petition as an exhibit; that there are no known unpaid claimants of the estate or, if there be such claimants, the names, addresses, and amounts claimed by such claimants; the names and addresses of those entitled to receive distribu-

tion and the facts supporting such conclusions; and a statement of proposed distribution.

(b) Notice of such a petition shall be given in accordance with Rule 5 above.

**Rule 6.9-7. Accounts, Petitions of Adjudication and Distribution. Documents to be Submitted.**

When an account, accompanied by a petition for adjudication and distribution, is filed for audit, true and correct copies of the following supporting documents shall be filed with the account and petition as exhibits:

(a) Where an asset or assets were received by the accountant pursuant to an order of a court other than this Court, a certified copy of such order;

(b) All pertinent wills, codicils, trust agreements and amendments thereto and, whenever such a document is written in a language other than English, an English translation sworn to or affirmed by the translator to be a true and correct translation of the original;

(c) Executed releases for all distributions other than real estate in kind, made prior to the filing of an account and listed in the account, describing specifically the property received in consideration of the release and duly acknowledged. (See Rule 3.4-4(b).);

(d) The current recorded deed for all interim distributions of real estate;

(e) All agreements with respect to settlements and compromises;

(f) Statement or agreement relating to accountant's compensation and/or attorney's fees, if credit therefor is taken in the account, together with a mathematical calculation of the compensation and/or fees;

(g) Whenever the birth, death, marriage or divorce of any individual is in issue, and such documents have not been previously filed, a certified copy of the birth, death, marriage certificate or divorce decree. If a copy of such cannot be obtained, the reason therefor shall be set forth;

(h) Affidavits of Pedigree;

(i) When a credit is sought for payment of Pennsylvania transfer inheritance tax, a copy of the Notice of Inheritance Tax Appraisal, Allowance or Disallowance of Deductions and Assessment of Tax;

(j) When a Federal Estate Tax return has been filed, written evidence from the United States Internal Revenue Service indicating that the Federal Estate Tax has been settled;

(k) A short certificate for the foreign fiduciary issued within three (3) months of the date of audit, or a certified copy of the instrument evidencing the authority of the foreign fiduciary to receive the fund;

(l) When filing to the first account filed in any decedent's estate, proofs of publication of the advertisement of the grant of letters;

(m) A clear and complete statement of all mathematical calculations made to arrive at the result reflected in the account or statement of proposed distribution;

(n) Whenever distribution is made to a charitable residuary beneficiary, a Charitable Clearance Certificate. See Rule 6.3-2(b); and

(o) Such other documents or copies thereof as shall be required by statute, Supreme Court rule, or other rule of court.

**Rule 6.10-1. Objections. Form and Content.**

(a) Objections to accounts and statements of proposed distribution shall be in writing, shall be numbered consecutively, shall be signed by the objector or his attorney, and where they contain allegations of fact shall be properly verified in the same manner as a petition.

(b) Each objection shall be specific as to description and amount, shall raise but one issue of law or fact, and shall set forth briefly the reason or reasons in support thereof.

(c) Any question which can be and is not raised by objections conforming to these rules shall not thereafter be the subject of any exception to any order confirming an account or decreeing distribution.

**Rule 6.10-2. Objections. Time for Filing.**

(a) Written objections to an account and statement of proposed distribution may be filed as of course with the Clerk at any time prior to, or at, the call of the account for audit.

(b) Objections may be made orally when an account is first called for audit, in which event they shall be reduced to writing and filed in conformity with these Rules within five (5) business days thereafter.

(c) Objections to supplemental accounts or amended statements of proposed distribution not served upon parties at least three (3) weeks prior to the audit date or the continued audit date may be filed to an adjudication within the period normally allotted for the filing of exceptions. Objections to supplemental accounts or amended statements of proposed distribution shall be in the same form and filed in the same manner as objections to accounts and statements of proposed distributions.

(d) No objections shall be filed or made except as provided in (a), (b) or (c) hereof unless leave of Court is first obtained.

**Rule 6.10-3. Objections. Service. Return.**

Immediately after objections have been filed with the Clerk, a copy of said objections to an account and/or statement of proposed distribution shall be served upon the accountant and all other parties in interest or their attorneys of record. Proof of such service shall be filed with the Clerk within ten (10) days of filing objections.

**Rule 6.10-4. Objections. Continuance of Audit.**

When objections to an account and/or statement of proposed distribution have been filed prior to or at audit or presented orally, and thereafter filed in writing in accordance with these rules [see Rule 6.10-2(b)], the audit of the account shall be continued pending disposition of the objections.

**Rule 6.11-1. Adjudication and Order. Service. Method. Proof.**

(a) When the Court has filed with the Clerk an adjudication of any account and order, counsel for the accountant shall immediately serve, in the same manner as provided for notice under Rule 5, a true copy of the adjudication and order upon:

(1) Every individual required to be served with the account and the petition for adjudication and distribution pursuant to Rule 6.3-4(b) above,

(2) Each attorney of record, and

(3) Such other parties as the Court may direct.

(b) Immediately upon effecting service of the adjudication and order as provided in (a) hereof, counsel shall file proof of such service.

**Rule 6.11-2. Final Confirmation of Account, Order of Distribution and Satisfaction of Award.**

(a) An order of court confirming an account and direct distribution shall become final, as of course, unless exceptions thereto are filed pursuant to Rule 7.1.

(b) Any party distributing, paying or delivering money or other property to a distributee may, at the time thereof, require the distributee or his counsel to execute a Satisfaction of Award and shall file same with the Clerk.

(c) Whenever a distributee has refused to execute a Satisfaction of Award as provided above, the distributor may petition the Court for an order directing the distributee to enter, or authorizing the entry of, a Satisfaction of Award.

(d) The Clerk shall, at the request of any party in interest, certify excerpts from an order of court for recording in any public office for the recording of deeds.

**Rule 7.1-1. Exceptions. Form and Contents.**

(a) Exceptions to findings of fact and conclusions of law contained in adjudications, orders and decrees shall be in writing, shall be numbered consecutively, and shall be signed by the exceptant or his attorney.

(b) Each exception shall be specific, shall raise but one question and shall set forth briefly the reason or reasons in support thereof.

(c) Questions which were the proper subject of objections to accounts or statements of proposed distribution that were not raised when the account was called for audit, or questions which might properly have been raised by an answer to or during a hearing on a petition, shall not be the subject of exceptions, and if so made shall be subject to dismissal.

(d) Exceptions shall not contain averments of fact.

**Rule 7.1-2. Effect upon Distribution.**

When the matters which are the subject of an adjudication or decree of distribution are so separate and distinct that an exception to any one or more, whether sustained or dismissed, cannot affect the remainder, and the account will not be prejudiced by the distribution of such remainder, confirmation of the adjudication or decree of distribution shall be deemed to have occurred as of course, except as to those matters to which exceptions have been taken and distribution shall proceed as to the remainder. Any party from whom such distribution has been withheld may petition the Court to order distribution.

**Rule 8.1-1. Notice of Hearings. Method. Parties.**

(a) An auditor or master shall give written notice of his appointment and of the time and place of his first hearing to all persons who have appeared of record, and to such other persons and in the same manner as provided for notice under Rule 5.

(b) Notice of succeeding hearings given by the auditor or master at a hearing of which proper notice has been given shall constitute sufficient notice of such succeeding hearings.

**Rule 8.6-1. Notice of Filing of Report.**

An auditor or master shall serve, in the same manner as provided for notice under Rule 5, all parties in interest

or their counsel of record with a time-stamped copy of his report and shall file proof of such service with the Clerk.

**Rule 8.7-1. Exceptions to Report of Auditor or Master.**

Exceptions to the report of an auditor or master shall be filed within twenty (20) days of the filing of said report in accordance with Rule 7.

**Rule 10.1-1. Additional Requirements.**

In addition to the payment of the published filing fee, the following may be required:

- (a) Photo identification of persons applying for appointment as personal representative;
- (b) An original death certificate or satisfactory substitute;
- (c) Original will/testamentary writing;
- (d) Affidavit of Relationship;
- (e) Renunciation[s].

**Rule 12.1-1. Petition. Requirements.**

(a) A petition claiming the family exemption, requesting confirmation of the retention thereof or approving the voluntary delivery thereof by the personal representative, shall, in addition to the information required by Rule 12.1(a), also set forth in separate paragraphs, the following:

(1) Whenever real estate is claimed, the petition shall contain a brief reference identifying the property and incorporating into the petition by reference a complete description of the property by metes and bounds and Parcel Identification Number ("PIN") together with a recital of title which shall be attached to the petition as an exhibit, and a list of all liens which shall include the name and address of all lienors, a description of the lien and the amount thereof. If there are no liens, the petition shall so state.

(2) A prayer for an order allowing the family exemption to the claimant or claimants as claimed, confirming the retention thereof by the petitioner or petitioners, or approving the voluntary delivery by the personal representative, or, if appraisers are required, an order praying for the appointment of two appraisers to appraise the property and to file their appraisals with the Clerk within thirty (30) days after their appointment in accordance with the rules of Court.

(b) The following exhibits shall be attached to a petition claiming the family exemption:

- (1) A copy of the will, if any;
- (2) A copy of the inventory showing the valuation of the property claimed, when the exemption is claimed from personal property, and the gross estate exceeds the amount of the family exemption as provided by law;
- (3) Proof of appointment of fiduciaries other than personal representatives of decedent's estate; and
- (4) When the petition is by the personal representative seeking approval of a voluntary distribution, the original written request for the family exemption by the claimant or claimants, unless the personal representative and the claimant are the same.

**Rule 12.1-2. Procedure. Incorporation into Account.**

(a) A petition claiming the family exemption, requesting confirmation of the retention of the family exemption or requesting approval of the voluntary delivery by the personal representative of the family exemption may be

presented to the Court (or filed with the Clerk, if unopposed) at any time prior to the filing of an account.

(b) Credit in an account for satisfaction of the family exemption, in cash, with tangible personal property or (when there is written agreement of the parties in interest) with real estate, reflecting either actual payment or delivery by the personal representative, or an intention to pay or deliver the same upon confirmation of the personal representative's account, shall be considered a request for court approval of payment or delivery of the family exemption as set forth in said account without the requirement of a separate petition therefore. If approval of the family exemption is so requested, the petition for distribution or a claim for family exemption appended to the account shall contain the information otherwise required in a petition for allowance of the family exemption.

**Rule 12.1-3. Notice.**

Notice of the presentation of a petition for allowance of the family exemption, unless the same be filed with an account, shall be given to all parties adversely affected thereby who have not joined in or consented to the prayer of the petition, in accordance with Rule 5.3 and a return of notice conforming to Rules 5.4 and 5.4-1 shall be filed with the Court at the time the petition is presented. A copy of the petition shall accompany such notice.

**Rule 12.1-4. Disposition.**

(a) In the absence of any objections, the Court will enter an appropriate decree.

(b) Objections to the petition may be filed:

(1) Prior to or at the time specified in the notice for the presentation of the petition to the Court; or

(2) Prior to or at the scheduled audit of the account claiming a credit for payment or delivery of the family exemption, or the proposed payment or delivery thereof.

(c) Objections may also be presented orally at the time the petition is presented to the Court or at the audit in which case the Court may order that the objections be reduced to writing. In all events, within five (5) days of the filing of objections, a copy thereof shall be served on all parties in interest. The Court may dispose of the objections summarily or set the matter down for hearing or argument at a later date as may be appropriate.

(d) If an objection is filed to the value of any real or personal property claimed, the Court will appoint appraisers, in which event the practice and procedure shall conform to Rule 12.1-5.

(e) When approval of the family exemption is sought pursuant to Rule 12.1-2(b) as a credit in the personal representative's account, objections thereto shall be made in accordance with Rule 6.10 et seq.

**Rule 12.1-5. Appraisal.**

(a) When appraisers have been appointed to appraise real or personal property from which the family exemption is claimed, they each shall, within thirty (30) days after their appointment, view the property and file with the Clerk a written appraisal under oath fixing the fair market value of the property claimed as of the date of the presentation of the petition to the Court.

(b) Upon the filing of the appraisers' reports, notice thereof shall be given as may be ordered by the Court.

(c) In the absence of objection, the Court, upon presentation of the appraisers' reports as hereinbefore provided and being satisfied that notice thereof has been given as

directed by the Court, may enter a decree confirming the appraisal and setting aside the property to the claimant or claimants.

(d) Objections to any appraiser's report shall be in writing and shall be filed within five (5) days of receipt of the notice of filing of said report. Disposition of the objections shall proceed thereafter as determined by the Court.

**Rule 12.2-1. Appraisals.**

Whenever the Court appoints appraisers, the procedure shall conform in all respects to the procedure set forth in Rule 12.1-5.

**Rule 12.3-1. Petition for Extension of Time. Contents. Exhibits.**

A petition for the extension of time in which the surviving spouse may file an election to take against the will of the decedent shall set forth:

(a) The information required to be set forth in a petition pursuant to Pa.O.C. Rule 12.3(a) hereof to the extent appropriate;

(b) The facts relied upon to justify the extension of time in which to file the election;

(c) The names of all parties in interest who have joined in or consented to the prayer of the petition and the names of all such parties who have not so joined or consented; and

(d) Unless notice of filing is given to all parties in interest who have not joined or consented to the petition, a prayer for a citation or rule upon said parties to show cause why the time for filing the election should not be extended.

**Rule 12.3-2. Petition for Extension of Time. Time for Filing.**

A petition to extend the time in which the surviving spouse may elect to take against the will of a decedent shall be filed within six (6) months of the date of probate of the will of the decedent or aver legal justification for filing out of time.

**Rule 12.4-1. Compensation.**

The compensation of a guardian ad litem or a trustee ad litem appointed by the Court shall be fixed by the Court on the basis of time expended, the nature of the services rendered, and the results obtained. Unless otherwise directed by the Court, requests for compensation shall be in the form of a petition filed with the Clerk and shall be accompanied by an itemized statement of services rendered.

**Rule 12.4-2. Reports.**

Upon direction by the Court, each guardian ad litem and trustee ad litem appointed by the Court shall, upon concluding the duties of his appointment, file with the Court a written report in substantial conformity with Pa.O.C. Rule 8.4.

**Rule 12.4-3. Resignation of Guardians and Trustees Ad Litem.**

No guardian or trustee ad litem shall resign without prior approval of the Court pursuant to a petition.

**Rule 12.5. Appointment of a guardian for the estate or person of a minor.**

(a) A petition for the appointment of a guardian for the estate or person of a minor shall be filed by the minor, if over fourteen years of age and, if under such age, by his

parent or parents, the person with whom he resides or by whom he is maintained or by any person as next friend of the minor.

(b) The petition shall set forth

(1) the name, address and age of the minor, and the names and addresses of his parents, if living;

(2) the name, address and relationship to the minor of the petitioner, if the petition is not filed by the minor;

(3) that the minor's parents consent to the petition, if it is not filed by them, or the reason why they do not consent;

(4) the necessity of the appointment of a guardian and that the minor has no guardian or that a guardian already appointed has died or has been discharged or removed by the court, together with the date of such death, discharge or removal and a reference to the court record of such discharge or removal;

(5) the name, address and age of the proposed guardian and his relationship to the minor, if any;

(6) the nature of any interest of the proposed guardian adverse to that of the minor including inter alia a reference to any estate in which the minor is interested and in which the proposed guardian is a fiduciary or surety or employee of a fiduciary or surety therein.

(7) if the petition is for the appointment of a guardian of the person, the religious persuasion of the parents of the minor and of the proposed guardian;

(8) if the petition is for the appointment of a guardian of the estate, an itemization of the assets of such estate, their location, approximate value and income, if any;

(9) if the minor is entitled to receive any money as a party to any action or proceeding in any court, a reference to the court record and the amount to which the minor is entitled; and

(10) that notice has been given to the United States Veterans' Administration or its successor, if the minor is the child of a veteran and insurance or other gratuity is payable to him by the United States Veterans' Administration, or its successor.

(c) The proposed guardian's written consent to the appointment shall be attached to the petition.

(d) If the appointment of the same person is requested as guardian of the estates or persons of several minors who are children of the same parents, a single petition shall be filed for such appointment.

(e) If the minor is over the age of fourteen his appearance in court at the time of the presentation of the petition shall be governed by local rule.

*Local Note:* The local rules pertaining to guardian for the estate of a minor only, follow.

**Rule 12.5-1. Petition for Appointment of Guardian of Estate of Minor. Additional Contents and Exhibits.**

(a) The petition shall set forth:

(1) Whether or not the minor resides in the same household with the proposed guardian;

(2) If any parent is deceased, the name of the adult person with whom the minor resides or of the official in charge of the institution having custody of the minor, consents and, if the petition is not filed by them, whether they consent or the reasons why they do not consent;

(3) Whether or not the minor is married, and, if so, the name, address, and age of the spouse and the consent of the minor's spouse, or the reason why the spouse does not consent.

(b) The following exhibits shall be attached to the petition:

(1) A certified copy of the birth certificate or certification of birth registration of each minor included in the petition;

(2) All consents in conformity with Rule 3.4-4;

(3) When the proposed guardian is an individual the written consent of that individual to act as such containing:

(i) The individual's occupation and domicile;

(ii) That the individual is a citizen of the United States, able to speak, read and write the English language; and

(iii) That the individual is not the fiduciary, or any officer or employee of the corporate fiduciary of an estate in which the minor has an interest, nor the surety, or an officer or an employee of the corporate surety of such a fiduciary, and has no interest adverse to the minor;

(4) When the proposed guardian is a corporate fiduciary, its written consent to act as such containing a statement that it is not the fiduciary of an estate in which the minor has an interest and that it has no interest adverse to the minor; and

(5) If any part of the minor's estate was obtained as a result of litigation or compromise of litigation in a court of record, a copy of the order or decree approving the compromise and distribution of the proceeds of the suit.

**Rule 12.5-2. Invasion of Principal and/or Income.**

No payments shall be made from principal or income without prior approval of the Court. A petition therefore shall include:

(a) Copy of most recent guardian appointment order;

(b) The amount and composition of the minor's estate and the reasons for, and amount of, the requested distribution;

(c) The consent of the minor, if over fourteen (14) years of age, and of the parents or the reason why they are not attached;

(d) Whether or not the minor resides in the same household with the proposed guardian; and

(e) Whether or not the minor is married and, if so, the name, address and age of the spouse and the consent of the spouse or the reason why the spouse does not consent.

**Rule 12.5-3. Legal Fees Incurred By Guardian.**

No counsel fees shall be paid from a minor's estate without prior approval of the Court. A petition therefore shall include:

(a) An itemized statement of the subject legal services rendered;

(b) The amount and composition of the minor's estate and the reasons for, and amount of, the requested payment; and

(c) The consent of the minor, if over fourteen (14) years of age, and of the parents or the reason why they are not attached.

**Rule 12.5-4. Access to Restricted Accounts.**

A petition for access to restricted accounts established by court order pursuant to 20 Pa.C.S.A. § 5703 shall include:

- (a) A copy of the court order;
- (b) The date the account was created;
- (c) Type of account and current balance, and the bank name and branch address;
- (d) Whether an early withdrawal penalty will be incurred and the amount thereof;
- (e) The reason for the request, together with supporting documentation; and
- (f) Whether the parents agree or disagree.

**Rule 12.5-5. Resignation of Guardian for the Estate of a Minor.**

(a) No guardian of the estate of a minor shall resign without prior approval of the Court pursuant to a petition containing:

- (1) A copy of the order appointing the guardian;
- (2) Whether any account has been filed and the status of that account;
- (3) Itemized list of the kind and value of property currently in the hands of the petitioner;
- (4) The reason for the resignation;
- (5) The names of all parties in interest and a written consent for those consenting to the petition;
- (6) The name and address of a successor, if any, and a written consent stating that the successor will accept the appointment; and
- (7) A prayer for an order, and a copy of a proposed order, accepting the resignation, appointing a successor, directing the payment and transfer of the property in the hands of the guardian to the successor, directing the filing of an account by the resigning guardian and discharging the latter and the sureties, if any, upon final confirmation of the account.

(b) The Court may, with or without notice to the non-consenting parties and with or without a hearing, enter an order disposing of the petition, which may include a directive to the successor guardian to examine the assets of the estate and the account filed by the resigning guardian and file objections, if necessary, in such time frame as the Court may direct.

**Rule 12.6-1. Exhibit.**

A copy of the will or trust instrument shall be attached to the petition.

**Rule 12.6-2. Security. Certificate of Appointment.**

Whenever a trustee has been required to post a bond with surety, no certificate of appointment shall be issued until the required bond and surety have been filed with the Clerk.

**Rule 12.6-3. Resignation.**

(a) A petition seeking Court approval of a trustee's resignation shall contain:

- (1) A copy of the instrument or order appointing the trustee;
- (2) Whether any account has been filed and the status of that account;

(3) Itemized list of the kind and value of property currently in the hands of the petitioner;

(4) The reason for the resignation;

(5) The names of all parties in interest and a written consent for those consenting to the petition;

(6) The name and address of a successor, if any, and a written consent stating that the successor will accept the appointment; and

(7) A prayer for an order, and a copy of a proposed order, accepting the resignation, appointing a successor, directing the payment and transfer of the property in the hands of the trustee to the successor, directing the filing of an account by the resigning trustee, and discharging the latter and the sureties, if any, upon final confirmation of the account.

(b) The Court may, with or without notice to the non-consenting parties and with or without a hearing, enter an order disposing of the petition, which may include a directive to the successor trustee to examine the assets of the trust and the account filed by the resigning trustee and file objections, if necessary, in such time frame as the Court may direct.

**Rule 12.8-1. Procedure.**

The procedure subsequent to the entry of an order of the Orphans' Court directing partition shall, as near as practical, follow the rules for Partition of Real Property set forth in Pa.R.C.P. 1558 et seq., with the "Clerk of the Orphans' Court" being substituted for any reference to Prothonotary or Clerk of Courts.

**Rule 12.9-1. Petition.**

(a) A petition by any fiduciary to sell real property at public sale pursuant to Sections 3353, 5155, 5521(b) or 7792 of the Code, or any other applicable statute, shall also set forth, as appropriate:

- (1) Type of fiduciary and copy of governing instrument or order;
- (2) A copy of the current deed with PIN;
- (3) An estimate of the fair market value of the property and the basis therefore, along with supporting documentation;
- (4) Whether or not the fiduciary is authorized to sell by statute or is not authorized, or is denied the power to do so by the governing instrument or that it is desirable that the sale have the effect of a judicial sale and the reasons why;

(5) If the fiduciary has entered a bond, the name of the surety and the amount of such bond;

(6) The names and relationships of all parties, a brief description of their interests; the ages of any who are minors, the names of the authorized legal representative of any who are deceased or incapacitated, an indication of whether or not each party consents or does not;

(7) The proposed terms of the sale; and

(8) A prayer for an order and a copy of a proposed order authorizing the public sale of real property in accordance with the terms of sale set forth in the petition, setting forth the date for sale, directing the filing of a return of sale in accordance with Rule 12.9-3 and setting a date for confirmation of the sale.

**Rule 12.9-2. Public Sale. Notice.**

(a) After grant of a petition for public sale of real property, notice of the time and place of the proposed sale

and a description, stating the size and location of the property to be sold, shall be given by:

(1) Advertisement once a week for three (3) successive weeks in accordance with the requirements of Rule 5 hereof, provided that if the property is located in a county other than Lehigh County then by advertisement as aforesaid in the legal periodical and in a newspaper of general circulation published in the county in which the property is located;

(2) Posting at a conspicuous place on the real property to be sold and at three (3) different public places in the vicinity of the real property; and

(3) Regular mail to all parties in interest, including the Attorney General of the state in which any charitable party in interest is domiciled in accordance with the requirements of Rule 5 hereof.

(b) All returns of notice shall conform to the pertinent provisions of Rule 5 hereof and shall be filed with the Court on or before the date set for confirmation of the sale.

**Rule 12.9-3. Public Sale. Return of Sale. Confirmation.**

(a) Returns of public sale of real property for the purpose of confirmation by the Court shall be in the form of an affidavit which shall set forth:

- (1) The notice given as provided by Rule 12.9-2 hereof;
- (2) The name and address of the purchaser and an averment that he was the highest bidder; and
- (3) The price obtained.

(b) In the absence of objections, which may be filed on or before the date and time set for confirmation, the Court may enter an order confirming the sale and fixing or waiving additional security.

(c) At the date and time set for confirmation, the fiduciary shall submit to the Court a proposed order confirming the sale.

**Rule 12.15-1. Accounts. Additional Information.**

The accounts filed by Institutional Trustees and by Cemetery Companies as Trustee pursuant to 9 Pa.C.S.A. § 308 shall include therein a schedule containing information sufficient to demonstrate compliance with 9 Pa.C.S.A. § 303 regarding periodic deposits to permanent lot care funds.

**APPENDIX A**

Rule 3.5-1(h)(1) Rule To Show Cause.

IN THE COURT OF COMMON PLEAS OF  
LEHIGH COUNTY, PENNSYLVANIA ORPHANS'  
COURT DIVISION

IN RE:	::	FILE NO.
	::	
	::	
	::	
	::	
	::	

**RULE TO SHOW CAUSE**

AND NOW, to wit, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, IT IS ORDERED that a rule be, and is hereby, issued upon \_\_\_\_\_, to show cause, if any he/she/they has/have, why the prayer of the annexed

(insert title of petition or motion and the name of the filing party) \_\_\_\_\_ should not be granted.

Notice is hereby given that, if you are opposed to the granting of the prayer of the annexed petition or motion, you must file a written answer or other responsive pleading thereto with the Clerk of the Orphans' Court Division of Lehigh County, Pennsylvania at the Lehigh County Courthouse, 455 West Hamilton Street, Allentown, Pennsylvania, on or before the return date set forth below.

In addition, note that, if you fail to file a timely written answer or other responsive pleading, the averments of fact set forth in the annexed petition or motion shall be deemed admitted and the Court, on its own motion or at the request of the moving party, may enter an Order granting the prayer thereof without further notice to you.

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

BY THE COURT:

\_\_\_\_\_  
J.

**APPENDIX B**

Rule 3.5-1(h)(2) Notice.

IN THE COURT OF COMMON PLEAS OF  
LEHIGH COUNTY, PENNSYLVANIA ORPHANS'  
COURT DIVISION

IN RE:	::	FILE NO.
	::	
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**NOTICE**

TO PARTIES IN INTEREST:

Enclosed for service upon you please find a true and correct copy of the (Insert title of petition or motion and the name of the filing party) \_\_\_\_\_,

together with exhibits, which petition or motion was filed in the Office of the Clerk of the Orphans' Court of Lehigh County, Pennsylvania on \_\_\_\_\_.

Notice is hereby given that, if you are opposed to the granting of the prayer of the enclosed petition or motion, you must file a written answer or other responsive pleading thereto with the Clerk of the Orphans' Court Division of Lehigh County, Pennsylvania at the Lehigh County Courthouse, 455 West Hamilton Street, Allentown, Pennsylvania, within twenty (20) days after the date of service upon you.

In addition, note that, if you fail to file a timely written answer or other responsive pleading, the averments of fact set forth in the enclosed petition or motion shall be deemed admitted and the Court, on its own motion or at the request of the moving party, may enter an Order granting the prayer thereof without further notice to you.

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

\_\_\_\_\_  
Counsel for



APPENDIX C

Rule 3.5-1(h)(3) Praecipe.

IN THE COURT OF COMMON PLEAS OF  
LEHIGH COUNTY, PENNSYLVANIA ORPHANS'  
COURT DIVISION

IN RE:                                    ::                    FILE NO.  
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PRAECIPE

TO THE HONORABLE JUDGES OF THE SAID COURT:

This is to certify:

1. That all respondents have been served with the following petition or motion: \_\_\_\_\_ .

2. That an affidavit of service has been filed or is attached.

3. That

\_\_\_\_ no timely response has been filed.

And/Or

\_\_\_\_ the pleadings are closed.

Therefore, the undersigned requests that the Court proceed on the motion or petition.

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

\_\_\_\_\_  
Counsel for

APPENDIX D

Rule 6.1-1(a) Form. General.

Net Gains or Losses on Sales or Other Dispositions (Alphabetical)

	Shares or Face Value	Gross	Acquisition	Gain (Loss)
APPLE INC COM				
03/21/11	100.000	33,925.35	-14,225.09	19,700.26
05/20/11	60.000	19,924.42	-3448.80	16,475.62
11/7/11	50.000	19,868.61	-7,112.55	12,756.06
12/20/11	50.000	19,070.13	-7,112.55	11,957.58
BAKER HUGHES INC COM				
05/5/11	300.000	22,504.57	-15,250.77	7,253.80
08/24/11	1,700.000	92,699.21	-86,421.03	6,278.18
COACH INC COM				
05/20/11	115.000	6,697.47	-2,770.05	3,927.42
07/12/11	505.000	34,738.13	-12,164.14	22,573.99
EXPRESS SCRIPTS INC CL A COM				
04/29/11	1,500.000	81,079.89	-44,807.70	36,272.19
FREEPORT-MCMORAN COPPER & GOLD COM				
03/11/11	2,000.000	97,822.91	-80,335.00	17,487.91
GENERAL MILLS INC COM				
05/20/11	285.000	11,331.38	-9,269.17	2,062.21
11/25/11	70.000	2,689.35	-2,276.64	412.71
HUBBELL INC CL B COM				
05/20/11	90.000	5,855.28	-3,031.86	2,823.42
ZIPCAR INC COM				
11/25/11	25.000	446.99	-543.89	(96.90)
			Net Gain/Loss	\$159,884.45

Investments Made (Alphabetical)

		Shares or Face Value	Amount
ARTISAN INTERNATIONAL FD-INV #661			
05/27/11	Purchased	29.318	666.69
11/30/11	Purchased	98.253	1,938.54
BOB EVANS FARMS COM			
07/12/11	Purchased	255.000	9,243.80
FAIRCHILD SEMICONDUCTOR INTL INC COM			
05/10/11	Purchased	1,910.000	38,263.03
09/23/11	Purchased	416.000	5,683.18

		Shares or Face Value	Amount
PFIZER INC COM			
04/29/11	Purchased	5,000.000	101,300.00
08/15/11	Purchased	2,000.000	35,659.80
12/07/11	Purchased	2,245.000	45,168.50
ZIPCAR INC COM			
07/12/11	Purchased	200.000	4,331.76
07/13/11	Purchased	200.000	4,351.10
		Total Purchases	<u>\$246,606.40</u>

[Pa.B. Doc. No. 14-755. Filed for public inspection April 11, 2014, 9:00 a.m.]

### WARREN COUNTY

#### Crime Victim's Compensation Fund and Victim Witness Services Fund; Misc. Doc. 14 of 2014

##### Administrative Order

And Now, this 5th day of March, 2014, pursuant to Title 18, Section 11.1101, the Court hereby approves the increased assessment of the Crime Victim's Compensation Fund and Victim Witness Services Fund to a total of \$100.00, unless otherwise ordered by the court. This cost shall be imposed at both the Magisterial District Courts and the Common Pleas Court of the 37th Judicial District notwithstanding any statutory provision to the contrary.

Pursuant to Title 18, Section 11.1101 Costs (b) Disposition,

1. Thirty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 30% of the costs imposed under subsection (a)(1) which exceed \$60.00 (a total of \$47.00) shall be paid into the Crime Victim's Compensation Fund, and

2. Twenty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 70% of the costs imposed under subsection (a)(1) and (2) which exceed \$60.00 (a total of \$53.00) shall be paid into the Victim Witness Services Fund.

The costs assessed and collected under Section (b)(2) that exceed \$60.00 shall be returned by the Pennsylvania Commission on Crime and Delinquency to the County of Warren for victim witness services.

*It Is Ordered* that this Administrative Order shall be effective (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

*It Is Further Ordered* that in accordance with P.A.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts.

(b) Distribute two (2) certified copies hereof and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee,

(d) File one (1) copy with the Prothonotary/Clerk of Court of the 37th Judicial District. Said Administrative Order shall be posted on the Court website of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the

Prothonotary/Clerk of Court upon request and payment of reasonable costs of reproduction and mailings.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

[Pa.B. Doc. No. 14-756. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice to Attorneys

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

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

#### List of PA Financial Institutions Who Have Been Approved as Depositories for Fiduciary Accounts of Attorneys

##### Bank Code A.

595	Abacus Federal Savings Bank
<b>2</b>	<b>ACNB Bank</b>
613	Allegent Community Federal Credit Union
302	Allegheny Valley Bank of Pittsburgh
579	Alliance Bank
375	Altoona First Savings Bank
376	Ambler Savings Bank
<b>532</b>	<b>American Bank</b>
<b>635</b>	<b>American FSB (Maryland)</b>
615	Americhoice Federal Credit Union
<b>116</b>	<b>Ameriserv Financial</b>
377	Apollo Trust Company
568	Arc Federal Credit Union

##### Bank Code B.

558	Bancorp Bank (The)
485	Bank of America
415	Bank of Landisburg
519	Beaver Valley Federal Credit Union

501	BELCO Community Credit Union	174	First Citizens Community Bank
397	Beneficial Bank	191	First Columbia Bank & Trust Co.
582	Berkshire Bank	539	First Commonwealth Bank
5	<b>BNY Mellon, N.A.</b>	551	First Cornerstone Bank
392	Brentwood Bank	369	First Federal of Bucks County
495	Brown Brothers Harriman & Co.	504	First Federal S&L Assoc. of Greene County
161	Bryn Mawr Trust Company	388	<b>First Federal Savings Bank In Monessen</b>
156	Bucks County Bank	525	First Heritage Federal Credit Union
		42	First Keystone Community Bank
		263	FirstMerit Bank, N.A.
		51	First National Bank & Trust Co. of Newtown <b>(The)</b>
		421	First National Bank of Fredericksburg
		417	First National Bank of Lilly
		418	First National Bank of Liverpool
		46	First National Bank of Mercersburg
		419	First National Bank of Mifflintown
		198	<b>First National Bank of Minersville</b>
		48	First National Bank of Pennsylvania
		427	First National Bank of Port Allegany
		175	First National Community Bank
		549	First National Community Bank (Midland)
		626	First Niagara Bank
		<b>604</b>	<b>First Priority Bank</b>
		592	<b>First Resource Bank</b>
		40	First Savings Bank of Perkasio
		158	First Summit Bank
		408	First United National Bank
		151	Firsttrust Bank
		416	Fleetwood Bank
		493	<b>FNB Bank, N.A.</b>
		291	Fox Chase Bank
		241	Franklin Mint Federal Credit Union
		612	<b>Franklin Security Bank</b>
		58	<b>Fulton Bank</b>
			<b>Bank Code G.</b>
		499	Gratz Bank (The)
		498	Greenville Savings Bank
			<b>Bank Code H.</b>
		402	Halifax Bank
		244	Hamlin Bank & Trust Co.
		362	Harleysville Savings Bank
		363	Hatboro Federal Savings
		463	Haverford Trust Company (The)
		559	Home Savings & Loan Co.
		606	Hometown Bank of PA
		68	Honesdale National Bank (The)
		350	HSBC Bank of USA
		364	<b>Huntingdon Valley Bank</b>
		605	Huntington National Bank
		608	<b>Hyperion Bank</b>
			<b>Bank Code I.</b>
		365	Indiana First Savings Bank
		575	Integrity Bank
		557	Investment Savings Bank
		526	Iron Workers Bank
			<b>Bank Code J.</b>
		70	Jersey Shore State Bank
		127	Jim Thorpe National Bank
		488	Jonestown Bank and Trust Co.
		72	<b>Juniata Valley Bank (The)</b>
			<b>Bank Code K.</b>
		414	Kish Bank

**Bank Code L.**

74	<b>Lafayette Ambassador Bank</b>
554	Landmark Community Bank
78	Luzerne National Bank

**Bank Code M.**

361	M & T Bank
386	Malvern Federal Savings Bank
412	Manor Bank
510	Marion Center Bank
387	Marquette Savings Bank
81	Mars National Bank
43	Marysville Bank
367	Mauch Chunk Trust Company
619	MB Financial Bank
511	MCS Bank
555	Mercer County State Bank
192	Merchants Bank of Bangor
610	Meridian Bank
18	Metro Bank
294	Mid Penn Bank
276	<b>Mifflinburg Bank &amp; Trust Company</b>
617	Milestone Bank
457	Milton Savings Bank
345	Miners Bank
614	Monument Bank
596	<b>Morebank</b>
484	<b>Muncy Bank &amp; Trust Company</b>

**Bank Code N.**

433	National Bank of Malvern
88	National Penn Bank
347	Neffs National Bank
372	Nesquehoning Savings Bank
434	New Tripoli Bank
15	Nextier Bank
439	Northumberland National Bank
93	Northwest Savings Bank

**Bank Code O.**

489	OMEGA Federal Credit Union
94	Orrstown Bank

**Bank Code P.**

598	<b>Parke Bank</b>
584	Parkview Community Federal Credit Union
580	<b>Penn Liberty Bank</b>
97	Penn Security Bank & Trust Company
168	Pennstar Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
620	Pittsburgh Central Federal Credit Union
79	PNC Bank
528	Polonia Bank
449	Port Richmond Savings
451	Progressive Home Federal
624	Province Bank
456	Prudential Savings Bank
491	PS Bank (The)

**Bank Code Q.**

107	<b>QNB Bank</b>
560	Quaint Oak Savings Bank

**Bank Code R.**

452	Reliance Bank
220	Republic Bank

628	Riverview Bank
208	Royal Bank America

**Bank Code S.**

153	S & T Bank
316	Santander Bank
464	Scottsdale Bank & Trust Company
460	Second Federal S&L Assoc. of Phila.
516	Sentry Federal Credit Union
458	Sharon Savings Bank
633	Slovak Savings Bank
462	Slovenian S&L Association of Franklin-Conemaugh
486	Somerset Trust Company
518	<b>Standard Bank PASB</b>
542	Stonebridge Bank
<b>517</b>	<b>Sun National Bank</b>
440	SunTrust Bank
30	Susquehanna Bank
236	<b>Swineford National Bank</b>

**Bank Code T.**

26	3rd Fed Bank
143	TD Bank
594	Team Capital Bank/The Provident Bank
609	Tristate Capital Bank
467	Turbotville National Bank

**Bank Code U.**

113	Union Bank and Trust Company
481	Union Building and Loan Savings Bank
483	<b>UNB Bank</b>
133	Union Community Bank
634	United Bank
472	United Bank of Philadelphia
475	United Savings Bank
600	Unity Bank
232	Uninvest National Bank & Trust Co.

**Bank Code V.**

589	Valley Green Bank
607	<b>Vantage Point Bank</b>
611	Victory Bank (The)
182	VIST Financial

**Bank Code W.**

119	Washington Financial Bank
121	Wayne Bank
631	Wells Fargo Bank N.A.
553	WesBanco Bank
122	<b>West Milton State Bank</b>
494	West View Savings Bank
473	Westmoreland Federal Savings
476	William Penn Bank
272	Woodlands Bank
573	<b>Woori America Bank</b>
630	WSFS Bank, FSB

**Bank Code X.****Bank Code Y.**

577	York Traditions Bank
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**Bank Code Z.****Platinum Leader Banks**

The Boldfaced Eligible Institutions are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA

IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

[Pa.B. Doc. No. 14-757. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Notice of Collection Fee and Late Payment Penalty; 2014-2015 Registration Year

Notice is hereby given that in accordance with Pennsylvania Rules of Disciplinary Enforcement 219(d)(2) and 219(f), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2014-2015 Registration Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$100.00 per returned item.

Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty of \$150.00. A second non-waivable late payment penalty of \$150.00 shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31.

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

[Pa.B. Doc. No. 14-758. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Notice of Disbarment

Notice is hereby given that Donna Maria Barnes a/k/a Donna Barnes Duncan having been disbarred by consent from the practice of law in the District of Columbia by Order of the District of Columbia Court of Appeals filed October 10, 2013, the Supreme Court of Pennsylvania issued an Order on March 24, 2014, disbaring Donna Maria Barnes a/k/a Donna Barnes Duncan from the Bar of this Commonwealth, effective April 23, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-759. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Notice of Transfer to Disability Inactive Status

Notice is hereby given that Matthew Michael Carucci, having been transferred to disability inactive status in the State of Delaware by Order of the Supreme Court of the State of Delaware dated October 30, 2013; the Supreme Court of Pennsylvania issued an Order on March 24, 2014, immediately transferring him to disability inactive status in this Commonwealth, pursuant to Rule 216, Pa.R.D.E. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-760. Filed for public inspection April 11, 2014, 9:00 a.m.]

## SUPREME COURT

### Extension of Pilot Program for Electronic Filing and Service of Motions and Other Legal Papers in the First Judicial District Court of Common Pleas, Trial Division—Criminal Section and the Philadelphia Municipal Court—Criminal Section; No. 449 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 28th day of March, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the pilot program for electronic filing in the First Judicial District Court of Common Pleas, Trial Division—Criminal Section and the Philadelphia Municipal Court—Criminal Section, as authorized by Order No. 424, Criminal Procedural Rules Docket (February 6, 2013) and its accompanying local rule, shall be extended for a period of one year, from April 1, 2014—April 1, 2015.

During the pilot program, the provisions of the local rule shall control to the extent that the local rule's provisions conflict with the Pennsylvania Rules of Criminal Procedure, the Electronic Case Record Public Access Policy and the Records Retention and Disposition Schedule With Guidelines.

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

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# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [ 7 PA. CODE CHS. 46 AND 76 ]

#### Food Code; Food Employee Certification

The Department of Agriculture (Department) amends Chapter 46 (relating to Food Code) and rescinds Chapter 76 to read as set forth in Annex A.

#### *Statutory Authority*

Sections 5701—5714 of 3 Pa.C.S. (relating to Retail Food Facility Safety Act), 3 Pa.C.S. §§ 5721—5737 (relating to Food Safety Act), the act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660g), known as the Milk Sanitation Law, section 1705(d) of The Administrative Code of 1929 (71 P. S. § 445(d)) and 3 Pa.C.S. §§ 6501—6510 (relating to Food Employee Certification Act) provide the legal authority for this final-form rulemaking.

The Retail Food Facility Safety Act charges the Department with responsibilities regarding the licensure, inspection, cleanliness and sanitation of “retail food facilities” (such as restaurants) in this Commonwealth. This includes the responsibility to promulgate regulations necessary to implement the Retail Food Facility Safety Act and requires that, in promulgating this final-form rulemaking, the Department “be guided by the most current edition of the Food Code, published by the United States Department of Health, Food and Drug Administration” (Model Food Code). See section 5707(a) of the Retail Food Facility Safety Act (relating to powers of department). The Retail Food Facility Safety Act also affords the Department the discretion to establish retail food facility license intervals of more than 1 year, but requires that these license intervals be established by regulation and that the regulation use risk-based factors identified in the Model Food Code as a basis for determining the appropriate license interval.

The Food Safety Act charges the Department with the responsibility to: (1) regulate, register and inspect “food establishments” in this Commonwealth (see section 5734(a) of the Food Safety Act (relating to registration of food establishments)); (2) promulgate regulations and food safety standards necessary to the proper enforcement of the food safety requirements in the Food Safety Act (see section 5733(a) of the Food Safety Act (relating to rules and regulations)); and (3) construe the Food Safety Act and its attendant regulations in a manner that is as consistent with Federal statutory and regulatory authority as practicable (see section 5736 of the Food Safety Act (relating to construction of subchapter)).

The Milk Sanitation Law requires that a person selling milk, milk products or manufactured dairy products have a Department-issued permit. It also charges the Department with responsibility to promulgate regulations necessary for the proper enforcement of the Milk Sanitation Law. See section 19 of the Milk Sanitation Law (31 P. S. § 660c).

Section 1705(d) of The Administrative Code of 1929 requires the Department to establish regulatory standards necessary to enforce food safety laws.

The Food Employee Certification Act requires that a retail food facility have at least one employee who holds a valid certificate evidencing successful completion of a

Department-approved food safety training course (see section 6504(a) of the Food Employee Certification Act (relating to certification of employees)) and authorizes the Department to promulgate regulations necessary for the proper enforcement of the Food Employee Certification Act (see section 6505 of the Food Employee Certification Act (relating to rules and regulations)).

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

The act of November 23, 2010 (P. L. 1039, No. 106) (Act 106) accomplished a significant overhaul of the food-related statutes administered and enforced by the Department. It repealed the Public Eating or Drinking Places Law and the Food Act, and supplanted these with the Retail Food Facility Safety Act and the Food Safety Act, respectively. It also made substantive changes to the Food Employee Certification Act. Although many of the provisions of these new or revised food-related statutes are similar to provisions of the statutes they replaced, there are also a number of changes that necessitate the regulatory revisions described in this document.

The final-form rulemaking: (1) adopts the terminology and implements the changes necessitated or authorized by Act 106; (2) incorporates, to the extent practicable, the standards and requirements of the Model Food Code as the food safety standards and requirements for this Commonwealth; (3) establishes retail food facility license intervals of more than 1 year, using risk-based factors identified in the Model Food Code as a basis for determining the appropriate license interval; and (4) streamlines the substance of the food employee certification regulations formerly in Chapter 76 and incorporates them into Chapter 46.

The Model Food Code is the product of a collaborative effort among the Department, the United States Food and Drug Administration (FDA), the Food Safety Inspection Service, the Centers for Disease Control, various state and local public health and food control agencies, food industry representatives, academia and consumers. It represents the state-of-the-science with respect to food handling and food safety. It is adopted by reference in portions of Chapter 46. The format, layout, section headings and subject matter of much of Chapter 46 track the Model Food Code. The Model Food Code is also a basis for food safety training courses Nationwide. In addition, the Retail Food Facility Safety Act specifically requires that the Department be guided by the Model Food Code in promulgating regulations (see section 5707(a) of the Retail Food Facility Safety Act). Against this backdrop, the Department is satisfied that the regulated community is familiar with the Model Food Code and that the expansive adoption of Model Food Code standards and requirements in the regulations will not have an adverse impact on that regulated community.

The final-form rulemaking is driven by the substantial changes to underlying food-safety-related statutes accomplished by Act 106.

The final-form rulemaking is also needed to reduce foodborne illness to the fullest extent possible. This public health and safety objective is the primary reason for the final-form rulemaking.

The food safety standards in the final-form rulemaking should also serve the regulated community by helping to lower the number of claims and lawsuits related to foodborne illness.

The provisions of the regulations that prescribe the appropriate license intervals for various types of retail food facilities (based on risk-based factors identified in the Model Food Code) are needed for the Department and other licensors of these facilities to make better use of limited manpower resources involved in accomplishing inspections and processing license paperwork.

Act 106 also made significant revisions to the Food Employee Certification Act and the final-form rulemaking is needed to implement these changes.

The Department is satisfied there are no reasonable alternatives to proceeding with the regulations. The Department is also satisfied the regulations meet the requirements of Executive Order No. 1996-1, "Regulatory Review and Promulgation."

*Comments and Responses*

Notice of proposed rulemaking was published at 42 Pa.B. 5218 (August 11, 2012) affording the public, the General Assembly and the Independent Regulatory Review Commission (IRRC) the opportunity to offer comments.

Comments were received from IRRC, the Pennsylvania Catholic Conference (PCC) and the Pennsylvania Association for Sustainable Agriculture (PASA). These comments and the Department's responses follow.

*Comment 1*

PASA reviewed proposed § 46.3 (relating to definitions) and raised a question regarding the definition of "commingle." PASA observed that the definition refers to the commingling of shellstock (raw, in-shell oyster, clams, mussels and scallops) and not the commingling of other foods.

*Response*

The proposed rulemaking reflected that the definition of "commingle" was proposed for deletion. The final-form rulemaking deletes the defined term and the term is not used elsewhere in the regulations.

Section 1-201.10 of the Model Food Code, regarding statement of application and listing of terms, defines "commingle" only with respect to the commingling of shellstock and shucked shellfish. In the context of the Model Food Code, the term is only used with respect to these foods. The Department does not believe there is a need to adopt a definition of this term that varies from the definition in the Model Food Code.

*Comment 2*

PASA reviewed proposed § 46.3 and offered a revision to the definition of "foodborne disease outbreak." PASA suggested "case" be replaced with "occurrence" in that definition, but acknowledged that the use of the "occurrence" is not the typical language of epidemiological discipline.

*Response*

The proposed rulemaking reflected that "foodborne disease outbreak" was proposed for deletion. The final-form rulemaking deletes the defined term and the single use of the phrase in the definition of term "confirmed disease outbreak" in § 46.3.

Section 1-201.10 of the Model Food Code defines "foodborne disease outbreak" and includes the same "occurrence of two or more cases" language the commentator referenced. The Department declines to vary from the Model Food Code on this definition given that the lan-

guage is clear and has not been the source of known confusion in the many years it has been in effect.

*Comment 3*

PASA reviewed proposed § 46.3 and noted that the definition of "food facility" exempts certain food establishments that do not "... provide food to the consumer either directly or indirectly (such as through the home delivery of groceries)." The commentator asked "how the Department might view a CSA (community shared agriculture) making deliveries to homes, markets or collective drop off points."

*Response*

The proposed rulemaking reflected that "food facility" was proposed for deletion. The final-form rulemaking deletes the defined term. The only reference to home delivery of groceries in the final-form rulemaking is in the definition of a "retail food establishment." That definition is verbatim from section 5702 of the Retail Food Facility Safety Act (relating to definitions).

The Retail Food Facility Safety Act provides for the licensure of retail food facilities. The determination of whether a particular facility is a retail food facility is a fact-driven determination. In the examples provided by the commentator, if a community-shared agriculture business has a market or collective drop-off point, that market or drop-off point would fit within the definition of a retail food facility. If the market or drop-off point provides only raw agricultural commodities, it would be exempt under section 5703(b)(2)(i) of the Retail Food Facility Safety Act (relating to license required) from having to acquire a retail food facility license and pay the attendant license fee, but would remain subject to inspection and would have to comply with all other applicable provisions of the Retail Food Facility Safety Act.

If a community-shared agriculture business has a home delivery service, that service would not fit within the definition of "retail food facility."

If a community-shared agriculture business consists of a farm that makes deliveries to its customers or shareholders, those direct deliveries would not make the farm a retail food facility. If the farm has a retail storefront from which food for human consumption is sold, it would be a retail food facility. In addition, if a farm conducted on-farm food processing, it would likely be a "food establishment" subject to the registration requirements of the Food Safety Act.

*Comment 4*

PASA asked that the final-form rulemaking clarify that rabbits (whether captive bred or wild) are considered game in this Commonwealth. PASA also asked that the Department "offer some clarity about the requirements for slaughter and market of such animals."

*Response*

Although the final-form rulemaking does not specifically reference game animals or rabbits, § 1-201.10 of the Model Food Code defines "game animal" as including rabbits and, at § 3-201.17, regarding game animals, presents the legal requirements for the slaughter and legal sale of these animals. These include a requirement that game animals that are commercially raised for food be slaughtered and processed under a United States Department of Agriculture (USDA)-administered or state-administered regulatory inspection program.

Rabbit processors may choose to operate under a voluntary USDA-administered inspection program or be registered and inspected by the Department in accordance with the Food Safety Act.

*Comment 5*

PASA reviewed the proposed definition of “licensor” in § 46.3 and asked whether the regulations will supersede “those of the county (and other) departments of health.”

*Response*

Section 5703(e)(2) of the Retail Food Facility Safety Act requires that rules and regulations adopted by a licensor other than the Department meet and not exceed the requirements of Retail Food Facility Safety Act and its attendant regulations. This means that although a licensor other than the Department may enforce its own standards, they may not exceed standards in the Retail Food Facility Safety Act or the final-form rulemaking.

*Comment 6*

PASA noted the definition of “mobile food facility” in § 46.3 and asked:

Where does the definition of a mobile food facility—particularly that part that states cart, basket, box or similar structure—leave a CSA and that “basket, box or similar structure” in which the CSA person might deliver the food directly to the buyer and/or to a drop off location?

*Response*

The proposed rulemaking reflected that the definition of “mobile food facility” was proposed for deletion. The final-form rulemaking deletes the defined term.

A delivery truck or other conveyance or container used for delivering food from a farm, retail food facility or food establishment is not, itself, a mobile retail food facility. These vehicles or containers would be subject to the standards that are applicable to the retail food facility or food establishment from which the food originates.

In general, a vehicle that is being used for food preparation and sale of food directly to consumers (such as a lunch truck) would be considered a retail food facility or a food establishment and would be subject to the applicable legal licensure/registration requirements.

A basket, box or similar structure that is used by a community-shared agriculture business to deliver food to its customers or shareholders is not, itself, a mobile food facility.

*Comment 7*

PASA reviewed the definition of “person in charge” in § 46.3 and asked:

What if there is an unannounced inspection? Is the most “senior” “responsible” person on site at that moment deemed the person in charge? Can the employee/owner ask that the inspector return at another time?

*Response*

Section 2-101.11 of the Model Food Code, regarding assignment, requires that the retail food facility operator be the person in charge or that he designates a person in charge and ensures that a person in charge is present at all hours of operation.

Inspections of retail food facilities and food establishments are (with few exceptions) unannounced. The inspecting entity does not designate who the person in

charge is. It is the affirmative obligation of the licensee or operator of the facility to make this designation and to have a person in charge present at the establishment at all hours of operation.

The regulation requires that the person in charge allow access to the retail food facility and provide information and records to facilitate the inspection. This is tempered by § 46.1101 (relating to access to retail food facilities), which requires that this cooperation be provided “. . . during the retail food facility’s hours of operation and other reasonable times if the facility is not open during normal business hours.”

In general, a refusal to allow an inspection would constitute a violation of § 46.1101 and would subject the facility to enforcement action such as a civil penalty, a criminal prosecution, an action for injunctive relief or some other action. There might be specific circumstances (such as a medical emergency or death) that might justify a licensor in refraining from enforcement actions.

*Comment 8*

PASA offered comments with respect to the definition of “public water system” in § 46.3. The commentator sought “. . . clarification around such situations in which individuals or families might need to have water hauled in situations, be they temporary or permanent, where, for example, their water is not good because of other actions (contaminated wells come to mind).”

*Response*

The proposed rulemaking reflected that “public water system” was proposed for deletion, as were the provisions that made use of that term. Former § 46.801 required that water be from: (1) a public water system; or (2) a nonpublic water system that meets the Department of Environmental Protection’s (DEP) regulatory standards for safe drinking water. Although the final-form regulation deletes this provision, it supplants it with § 5-101.11 of the Model Food Code, regarding approved system, which imposes an identical requirement. In practice, the Department works with DEP on issues regarding the adequacy of water at retail food facilities and, in particular, defers to DEP on questions regarding whether a nonpublic water source is in compliance with applicable DEP regulatory safe water drinking standards.

*Comment 9*

IRRC noted that the proposed definition of “raw agricultural commodity” in § 46.3 repeats the definition of that term in section 5722 of the Food Safety Act (relating to definitions) but adds “or as otherwise defined in section 5722 of the Food Safety Act.” IRRC asked the Department to either explain the reason why this phrase was included or delete it from the final-form rulemaking.

*Response*

The Department deleted the referenced phrase from the final-form rulemaking.

*Comment 10*

PASA reviewed the definition of “ready-to-eat food” in § 46.3 and noted:

. . . there is so much potential for odd interpretations here. One could read this with greens and such in mind—and, in some peoples’ minds, the . . . (*definition of “ready-to-eat food”*) . . . could make washed veggies ready to eat as opposed to having undergone the basics of field dressing. That potentially opens up a whole bunch of interpretive options (like the difference between field processing including washing and



those greens (and other products, be they vegetable or meat/raw animal foods) that are actually sold as ready to eat. . . . .). (Clarification added).

*Response*

The proposed rulemaking reflected that the definition of “ready-to-eat food” was proposed for deletion. The only use of that term in the final-form rulemaking is in § 46.1141(c)(3)(ii) (relating to license requirement). In context, the provision references a retail food facility that includes “ready-to-eat foods from a café, salad bar or hot food bar.” The Department believes that the context in which the term is used adds sufficient clarity.

In addition, § 1-201.10 of the Model Food Code provides a more detailed definition of the term.

The Department is satisfied it can differentiate among raw agricultural commodities, ready-to-eat foods and other types of foods. In general, if a raw fruit or vegetable is washed so that no further washing is needed before it is eaten by the consumer, it is a ready-to-eat food. An example of this type of food is bagged lettuce or bagged greens.

A raw fruit or vegetable is not a ready-to-eat food if it is field-washed and the consumer must wash the fruit or vegetable before eating it. An example of this type of food is a head of iceberg lettuce.

If a raw fruit or vegetable is processed by chopping, cutting or some similar treatment it is no longer a raw agricultural commodity. If a processed food is not to be washed by the consumer before eating, it is a ready-to-eat food.

*Comment 11*

PASA reviewed proposed § 46.3 and offered several questions and comments regarding the definition of “sanitization.”

Please clarify the need for the different types of operations to actually do this testing in said operation. Consider in the response the situation in which individuals actually need to test surfaces before and after cleaning (as opposed to using the recommended cleaning and sanitizing procedures provided by, for example, the product label or another professional).

Is the five log reduction in bacterial load predicated on the type (genus, species or serotype, for example) of organism? Is there any leeway in the log reduction based on the relative risk of the particular/specific organism?

Is the department prepared to be more specific with respect to identifying those organisms which are defined below as “representative” disease microorganisms of public health importance?

*Response*

The proposed rulemaking reflected that the definition of “sanitization” was proposed for deletion. The final-form rulemaking deletes that definition and use of the term throughout the regulations.

Section 1-201.10 of the Model Food Code defines “sanitization” as it was defined in § 46.3. That definition has long been the standard in the food industry and is well known and widely accepted. Manufacturers of commercially-available sanitizers are aware of this long-standing sanitization definition, and sanitizing agents that are formulated for food safety applications are, when used in accordance with manufacturer’s instructions, capable of cleaning food contact surfaces to meet the standard of

sanitization. Chemical sanitizers are evaluated and approved by the United States Environmental Protection Agency for efficacy and, when so approved, meet the referenced standard of sanitization.

The Department declines to prescribe different sanitization standards for different types of food production operations. Sanitized food contact surfaces help lower the risk of foodborne illness.

The Department’s answer to each of the questions posed in the last two paragraphs of the comment is “no.”

*Comment 12*

PASA reviewed proposed § 46.3 and asked for clarification with respect to the definition of “sewage.” Specifically, the commentator asked whether substances that are not currently considered “sewage,” such as spray wash off, wash water from floors and milk houses, are deemed “sewage.”

*Response*

The proposed rulemaking reflected that the definition of “sewage” was proposed for deletion. The final-form rulemaking references the term in §§ 46.1121(b)(5) and 46.1144(5) (relating to facility and operating plans; and conditions of retention: responsibilities of the retail food facility operator). In context, these provisions require that a facility’s operating plan describe how it will dispose of sewage and that a facility report a sewage backup or other unsanitary condition.

Section 1-201.10 of the Model Food Code defines “sewage” in rather broad terms as consisting of “liquid waste containing animal or vegetable matter in suspension or solution” and as including “liquids containing chemicals in solution.” The substances referenced by the commentator are, under this broad definition, “sewage.”

*Comment 13*

PASA noted that the proposed rulemaking would rescind Chapter 46, Subchapter B and asked “What will be put in the place of this material, in the sections labeled reserved? Once those blanks have been filled, will there be a second comment period?”

*Response*

Regulations will not be adopted to replace this subchapter. There will not be a second comment period as that is not required under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

Chapter 46, Subchapter B addressed topics regarding supervision, employee health, personal cleanliness and hygienic practices. These same subjects are addressed in Chapter 2 of the Model Food Code, regarding management and personnel, which also addresses supervision, employee health, personal cleanliness and hygienic practices. Section 46.4 (relating to adoption of Model Food Code) effectively makes these Model Food Code standards those of the Department. As related in more detail in the response to comment 30, the Department revised the final-form rulemaking by incorporating the substance of proposed § 76.21 into final-form § 46.1201 (relating to Food Employee Certification Act compliance).

*Comment 14*

IRRC reviewed proposed § 46.212(a) (relating to food prepared in a private home) and noted that it establishes general requirements for food prepared in private homes that is used or offered for human consumption in a retail food facility. IRRC also noted that proposed subsection (a)(3) required an organization that uses this home-

prepared food to inform the consumer that the food was prepared in an unlicensed and uninspected private home. IRRC recommended the Department specify what kind of notice is necessary to properly inform consumers that the food was prepared in an unlicensed and uninspected private home.

*Response*

The Department implemented IRRC's recommendation in the final-form rulemaking.

The proposed language in § 46.212(a) essentially restated language from section 5712 of the Retail Food Facility Safety Act (relating to applicability). The Department added language to the final-form regulation to require that consumers be informed through written means at the point of sale. This can be accomplished by a menu, a menu board, a separate sign or through labeling of individual products. In addition, the final-form regulation provides examples of language that is adequate to meet the referenced statutory requirement.

*Comment 15*

IRRC and the PCC expressed concern that proposed § 46.212(b) might cause confusion among individuals who prepare food in their homes and seek to donate it to the various charitable organizations identified in proposed subsection (a). Both commentators offered essentially the same solution, recommending that the final-form regulation include language to clarify that subsection (b) relates to foods prepared in private homes "except as otherwise permitted under subsection (a)," or explain why clarification is not necessary.

*Response*

The Department agrees with the commentators and added the recommended clarifying language in the final-form regulation.

*Comment 16*

PASA noted that §§ 46.218—46.461 and Chapter 46, Subchapters D—G are proposed to be rescinded. PASA asked "What will be put in the place of this material, in the sections labeled reserved? Once those blanks have been filled, will there be a second comment period?"

*Response*

Regulations will not be adopted to replace these sections and subchapters. There will not be a second comment period as that is not required under the Regulatory Review Act. In summary, the subject matter of the rescinded provisions is addressed in the Model Food Code.

The rescinded provisions include portions of Chapter 46, Subchapter C. This subchapter addressed topics that are essentially the same as are addressed in Chapter 3 of the Model Food Code, regarding food. Section 46.4 effectively makes these Model Food Code standards those of the Department.

The rescinded provisions include Chapter 46, Subchapter D. This subchapter addressed topics that are essentially the same as are addressed in Chapter 4 of the Model Food Code, regarding equipment, utensils and linens. Section 46.4 effectively makes these Model Food Code standards those of the Department.

The rescinded provisions include Chapter 46, Subchapter E. This subchapter addressed topics that are essentially the same as are addressed in Chapter 5 of the Model Food Code, regarding water, plumbing and waste. Section 46.4 effectively makes these Model Food Code standards those of the Department.

The rescinded provisions include Chapter 46, Subchapter F. This subchapter addressed topics that are essentially the same as are addressed in Chapter 6 of the Model Food Code, regarding physical facilities. Section 46.4 effectively makes these Model Food Code standards those of the Department.

The rescinded provisions include Chapter 46, Subchapter G. This subchapter addressed topics that are essentially the same as are addressed in Chapter 7 of the Model Food Code, regarding poisonous or toxic materials. Section 46.4 effectively makes these Model Food Code standards those of the Department.

*Comment 17*

PASA reviewed proposed § 46.1101 and asked what the rights of a farm owner, business owner or employee are in the event a licensor conducts an unannounced inspection of a retail food facility.

*Response*

If a business entity applies for and obtains a retail food facility license under the Retail Food Facility Safety Act, it has consented to the provisions of the Retail Food Facility Safety Act that require and allow inspection, sampling and analysis by the licensor. Section 5703(e)(1) of the Retail Food Facility Safety Act requires an inspection before a license is issued and section 5703(g)(1) requires an inspection as a condition of license renewal. Section 5704(a) of the Food Facility Safety Act (relating to inspection, sampling and analysis) also requires that an inspector present credentials and inspect "at reasonable times, within reasonable limits and in a reasonable manner."

Section 46.1101 essentially restates the inspection language of the Retail Food Facility Safety Act and suggests that a retail food facility's normal hours of operation are generally a reasonable time for inspections to be conducted.

Section 46.1101 has been in place for many years and the amendments are not substantive. The Department has applied this provision consistently with respect to those retail food facilities it licenses. The Department believes licensees understand their obligation to allow inspections, and that the Department's inspection staff makes an effort to inspect at reasonable times.

*Comment 18*

PASA reviewed proposed § 46.1103 (relating to variances), noted that certain portions of that section were not included in the proposed rulemaking and asked that the Department "clarify and enhance the continuity" of that provision.

*Response*

The referenced portions of the section were not published because the Department did not propose changes to this text. The material that was not included from § 46.1103(b) reads as follows:

- (1) A statement of the proposed variance of the chapter requirement citing relevant chapter section numbers.
- (2) An analysis of the rationale for how the potential public health hazards addressed by the relevant chapter sections will be alternatively addressed by the proposal.
- (3) An HACCP plan—if required as specified in § 46.1122(a)(1) (relating to HACCP plans)—that in-

cludes the information specified in § 46.1122(b) as it is relevant to the variance requested.

The material that was not included in § 46.1103(c) reads as follows:

- (1) Comply with the HACCP plans and procedures that are submitted as specified in § 46.1122(b) and approved as a basis for the modification or waiver.

*Comment 19*

PASA asked several questions with respect to proposed § 46.1121:

What are the implications and responsibilities for review of plans if the ownership is changing, for example, within a family unit? What are the implications and responsibilities if the type/structure of ownership changes, for example, from a private holding to an LLC or other business model?

*Response*

Retail food facility licenses are location-specific and proprietor-specific. If either of these changes, a new license is required. Licenses are not transferrable.

If the location of a licensed retail food facility changes, the licensee, or license applicant, may file a new retail food facility license application with the Department.

If the ownership of a licensed retail food facility changes and there are not substantial changes to the physical layout of the facility, itself, a license application is required but the application review process is generally faster since the Department does not need to conduct the same plan review it would conduct with respect to licensing a new or remodeled retail food facility.

In practice, it is not uncommon for a licensee who is a sole proprietor to incorporate his business, to establish a partnership and bring in business partners, transfer ownership to a family member or sell the facility to a third party. Each of these events would trigger the need for a new license.

*Comment 20*

PASA asked the Department to clarify proposed § 46.1121(b)(2)—(6).

*Response*

The referenced portions of the section were not published because the Department did not propose changes to this text. The referenced material reads as follows:

- (2) Anticipated volume of food to be stored, prepared and sold or served.
- (3) Proposed layout, mechanical schematics, construction materials and finish schedules.
- (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications.
- (5) Source of water supply, means of sewage disposal and refuse disposal.
- (6) An HACCP plan, if required under § 46.1122 (relating to HACCP plans).

*Comment 21*

PASA offered several comments with respect to proposed § 46.1122 (relating to HACCP plans). Initially, it presented the following:

There are large sections quoted below in which the material is proposed rescinded. What will be put in the place of this material, in the sections labeled

reserved? Once those blanks have been filled, will there be a second comment period?

*Response*

The Department believes the commentator is referring to the proposed replacement of several references to sections of the proposed rulemaking that the Department proposed to delete with references to the Model Food Code. To that extent, the blanks in this provision are filled with references to the Model Food Code.

The Department's response to comment 16 sets forth some general references to the subject matter addressed in the Model Food Code.

There will not be a second comment period with respect to the proposed rulemaking as that is not required under the Regulatory Review Act.

*Comment 22*

With respect to proposed § 46.1122, PASA also asked whether "any and all situations require HACCP plans."

*Response*

Hazard Analysis Critical Control Point (HACCP) plans are not required in any and all situations. HACCP plans are required if they are also required under Federal or State law or to obtain a variance as described in § 3-502.11 of the Model Food Code, regarding variance requirement. That provision of the Model Food Code requires a variance for a food establishment to conduct any of a number of specialized processing methods. These specialized processing methods include smoking food, curing food, using food additives for certain purposes, packaging food using reduced oxygen packaging, operating a life-support tank to display molluscan shellfish, certain custom processing practices, sprouting seeds or beans, and more.

*Comment 23*

With respect to proposed § 46.1122, PASA also offered that "... for some educators, consultants and providers, the language of the discipline has changed/is changing from HACCP to Hazard Analysis Preventive Controls" and asked "What is the longer term (and short term) implication/s of this change in nomenclature?"

*Response*

"HACCP" is defined in § 1-201.10 of the Model Food Code and is used throughout that document. If there is ever a movement to change that terminology in the Model Food Code the Department would have ample notice and a chance to participate in the amendment process, and can consider whether the change to the Model Food Code warrants a change to the Department's regulation.

The phrase "Hazard Analysis Preventive Controls" used by the commentator suggests that the phrase may have originated from separate FDA rules or proposed rules on "Hazard Analysis and Risk-Based Preventive Controls for Human Food." These rules would apply to food manufacturing plants and distributing establishments and would not be applicable to retail food facilities.

*Comment 24*

PASA reviewed proposed § 46.1124 (relating to preoperational inspection of construction) and asked whether the preoperational inspections described in that provision are "in addition to the building permit/local inspections." The commentator also asked whether there are fees associated with these inspections.

*Response*

The referenced preoperational inspections are separate and distinct from any inspection that a local government unit might require as a condition of the issuance of a building permit or conduct under some other local authority.

When the licensor is the Department, there will not be a fee for this type of inspection because the Retail Food Facility Safety Act does not authorize a fee. Section 5703(j) of the Retail Food Facility Safety Act addresses the Department's authority to impose fees.

When the licensor is an entity other than the Department, that type of licensor has the authority to establish its own fee schedule and might establish a fee schedule that imposes a fee for the type of preoperational inspection of construction.

*Comment 25*

IRRC raised several concerns regarding the clarity of proposed § 46.1141(c). It noted that proposed § 46.1141 establishes the license requirements necessary to operate as a retail food facility and that subsection (c) establishes the intervals for license expiration for various types of retail food facilities.

With respect to subsection (c), IRRC noted the 24-month, 18-month, 12-month and 6-month license intervals and asked the Department to explain how it determined that each of these time frames represent the appropriate license expiration date for a retail food facility that meets these criteria.

IRRC noted that subsection (c)(1)(iii) provides that the intervals between license expirations can increase should a retail food facility demonstrate that it has achieved "active managerial control of foodborne illness risk factors..." IRRC asked that the final-form regulation clarify what the Department considers appropriate "historical documentation" to validate that a retail food facility has achieved this level of control. IRRC noted that this same terminology is used in subsection (c)(2)(iii), (3)(iii) and (4)(iii).

*Response*

With respect to IRRC's inquiry as to the origin of the various license intervals and categories in proposed § 46.1141(c), the Department notes that section 5703(g)(1) of the Retail Food Facility Safety Act allows the Department to establish retail food facility license intervals using risk-based factors identified in the Model Food Code.

The Department consulted Annex 5 of the Model Food Code, regarding conducting risk-based inspections, in developing the risk-based license intervals presented in proposed § 46.1141. Annex 5 contains a table identified as Annex 5, Table 1, regarding risk categorization of food establishments. That table establishes four separate risk categories for retail food facilities. The proposed regulation essentially incorporated each of these four risk categories and established a different (and risk-based) license interval for each. The referenced table also recommends inspection frequency intervals of from one to four inspections each year, based upon the risk category involved. Although the Department does not have the resources to inspect on this frequent an inspection schedule, the proposed regulation used the same inspection interval ratios presented in that table: namely, that those retail food facilities that present the highest risk of spreading foodborne illness should be inspected four

times as often as those retail food facilities that present the lowest risk of spreading foodborne illness.

Annex 5 of the Model Food Code also recommends the Voluntary National Retail Food Regulatory Program (VNRFRP) Standards established by the FDA as a source of additional recommendations with respect to establishing risk-based inspection programs for retail food facilities. The VNRFRP Standards are part of a National initiative to promote application of effective food safety strategies that are based on risk factors and to promote uniformity among retail food facility regulatory programs. The VNRFRP Standards were developed with input from Federal, state and local regulatory officials, the food industry, food-related trade associations, academia and consumers, and provide common standards by which participating retail food facility regulatory programs can assess their programs. The Department has been a participating jurisdiction with respect to the VNRFRP Standards since 2004 and, as part of that participation, has completed a self-assessment of its retail food facility regulatory program.

The VNRFRP Standards consist of nine separate standards. Of these, Standard No. 3, inspection based on HACCP principles, recommends that inspection frequency be based on the relative risk posed by a retail food facility and recommends the establishment of at least three categories of retail food facilities based on potential and inherent food safety risks. This allows inspection staff to spend more time in those higher-risk establishments that pose the greatest potential of causing foodborne illness. Standard No. 3 also allows regulatory jurisdictions to consider available resources (such as personnel and funding) in establishing inspection frequencies.

The Department considered its existing staffing levels and its experience in allocating manpower to meet the current annual inspection requirement for retail food facilities. Under the proposed regulation, most retail food facilities will continue to be subject to this yearly inspection requirement, but the Department's inspection resources can be better-focused on those retail food facilities that present the greatest risk of spreading foodborne illness.

In summary, the categories of retail food facilities described in proposed § 46.1141(c)(1)–(4) were essentially as recommended in Annex 5 of the Model Food Code and are consistent with the VNRFRP Standards. The license intervals establish an inspection timetable that can be met with current Department or local licensor inspection staff, or both, and that directs inspection resources toward those retail food facilities that present the greatest risk of causing foodborne illness.

With respect to the second portion of IRRC's comment, the Department revised the referenced provisions to make clear that the "historical documentation" that is necessary to demonstrate the active managerial control of foodborne illness risk factors justifying a longer license interval shall consist of: (1) at least three regular inspections at the established risk-based interval that reflect the retail food facility is "in compliance" overall; (2) an absence of consumer complaints that prove valid; and (3) an absence of reported foodborne illnesses associated with the facility.

*Comment 26*

With respect to proposed § 46.1141, PASA asked for clarification of whether a farmers' market and all individual farmers selling from that market must be licensed. PASA also adds:

Here—as well as in other portions of this (and other documents)—it seems appropriate and clear to substitute the phrase “compliant at a scale and risk appropriate level” rather than using the word “exempt.” Please comment.

*Response*

Proposed § 46.1141(b) repeated the full range of circumstances under which a retail food facility might be exempt from licensure under section 5703(b) of the Retail Food Facility Safety Act.

A typical farmers’ market is not a single “retail food facility” in that it does not have a single proprietor that owns and operates all of the retail food facilities located in the market. It is usually a centralized gathering of multiple retail food facilities, each with its own proprietor (similar to a gathering of food vendors at a fair or other event). In this case, each farmers’ market stand is a discrete retail food facility. Depending on the type of food operation conducted in the facility, the facility may or may not be exempt from the licensure requirement imposed by the Retail Food Facility Safety Act. This type of determination will be fact driven.

With respect to the commentator’s suggestion that the regulation should reference that a facility is compliant “at a scale and risk appropriate level,” the Department maintains it is appropriate to continue to use “exempt” and “exemptions” in § 46.1141. The Retail Food Facility Safety Act describes the circumstances under which a retail food facility is “exempt” from the license requirements (but not the inspection requirements) of that statute. These are in 5703(b) of the Retail Food Facility Safety Act, which describes them as exemptions. Although the Retail Food Facility Safety Act affords a licensor some leeway to determine appropriate maximum license intervals based upon certain risk-based factors (see section 5703(g)(1)), it does not allow the scale of a retail food facility’s operation or the risk level posed by that facility to determine whether a facility is exempt from licensure.

*Comment 27*

PASA reviewed proposed § 46.1143 (relating to issuance) and noted that certain portions of that section were not included in the proposed rulemaking and asked that the Department “clarify and enhance the continuity” of this section.

PASA also asked for clarification of the need for a new license when there is a change in ownership of the license retail food facility. PASA specifically asked that the response include consideration of events such as “changes within the family, changes in business structure and category.”

*Response*

The referenced portions of the section were not published because the Department did not propose changes to this text. The material that was not included under § 46.1143(a) reads as follows:

- (1) The required plans, specifications and information are reviewed and approved.
- (2) A preoperational inspection, as described in § 46.1124 (relating to preoperational inspection of construction) shows that the facility is built or remodeled in accordance with the approved plans and specifications and that the facility is in compliance with this chapter.

- (3) A properly completed application is submitted.
- (4) The required fee is submitted.

With respect to the commentator’s request for clarification of the circumstances under which a new license would be required, the Department’s response to comment 19 is responsive.

*Comment 28*

IRRC noted that proposed § 46.1144(4) references a specific subpart of the Model Food Code but that other provisions in the proposed rulemaking contain more general references to the Model Food Code. IRRC referenced proposed §§ 46.3, 46.1121(b)(1), 46.1122, 46.1122(a)(2), 46.1141(c) and 46.1141(c)(iii) as examples. IRRC recommends that the final-form rulemaking include specific cross-references to the Model Food Code or that the Department explain why references are not appropriate.

*Response*

IRRC’s recommendation has been implemented in the final-form rulemaking.

Throughout the final-form rulemaking the Department has, where appropriate, changed general references to the Model Food Code to specific references to the applicable subpart of the Model Food Code. Specifically, the sections of the final-form rulemaking that have been revised and the references to the appropriate subparts of the Model Food Code, are as follows:

<i>Section</i>	<i>New Model Food Code Reference</i>
46.3	Subpart 1-201, regarding applicability and terms defined
46.1121(b)(1)	Subpart 3-603, regarding consumer advisory
46.1122(a)(1)(ii)	Subpart 8-201, regarding facility and operating plans
46.1122(a)(2)	Subpart 3-502, regarding specialized processing methods
46.1122(c)(1)(iii)	Subpart 8-401, regarding frequency
46.1141(c)	Subpart 8-401, regarding frequency, and Annex 5, regarding conducting risk-based inspections

Although the basic subject matter of a subpart of the Model Food Code does not change, individual sections are occasionally revised by the FDA. For this reason the final-form rulemaking does not reference exact sections of the Model Food Code but, instead, the subpart in which that section is located.

*Comment 29*

With respect to proposed § 76.20, IRRC recommended that: (1) the phrase “unless otherwise defined in Chapter 46 (relating to food code)” be deleted; and (2) the definition of the term “Department” in that section “include the same language pertaining to the Model Food Code as that contained in Section 46.3.”

*Response*

The Department agrees with the commentator and revised the final-form rulemaking to effectively accomplish IRRC’s recommendations. As explained in response to comment 30, these changes appear in § 46.1201 as proposed § 76.20 was not adopted by the Department.

*Comment 30*

PASA noted that §§ 76.1—76.19 were proposed to be rescinded and asked:

What will be put in the place of this material, in the sections labeled reserved? Once those blanks have been filled, will there be a second comment period? Please explain why the collection of these “odd definitions” are presented in this portion of the document rather than in the prodromal section with the remainder of the definitions.

*Response*

Regulations will not be adopted to replace these sections. There will not be a second comment period as that is not required under the Regulatory Review Act.

The Food Employee Certification Act is the underlying statutory authority for Chapter 76. Act 106 accomplished a significant and substantive revision of the Food Employee Certification Act, and had the effect of simplifying and streamlining the process by which a retail food facility shall have at least one employee who holds a current certificate evidencing successful completion of an accredited food safety training course. Much of the Food Employee Certification Act is self-executing, without the need for detailed supporting regulations. The final-form rulemaking does nothing more than implement the changes to the Food Employee Certification Act wrought by Act 106.

With respect to the comment regarding the placement of proposed § 76.20 as a separate section, the Department agrees that the requirements of the Food Employee Certification Act are so intertwined with the subject matter of Chapter 46 that the regulations will be more user-friendly if the substance of proposed Chapter 76 is incorporated into Chapter 46. The Department revised the final-form rulemaking by: (1) incorporating the relevant definitions that appeared in proposed § 76.20 into § 46.3; and (2) incorporating the substance of proposed § 76.21 into § 46.1201.

*Affected Individuals and Organizations*

The final-form rulemaking will impact the public by reducing the number of foodborne illness outbreaks originating from retail food facilities and food establishments.

Retail food facilities and food establishments will also be affected by the final-form rulemaking. Fewer foodborne illness incidents will benefit owners, operators and employees of these businesses who will be spared some costs associated with lawsuits, compensation or business disruption regarding foodborne illness. Also, since the final-form rulemaking brings the Commonwealth’s food safety standards into greater alignment with the Model Food Code, and the Model Food Code is the basis for food safety standards in all of the continental United States, there may be some savings associated with operating in a regulatory environment where there is a greater degree of consistency and uniformity in regulatory food safety standards.

*Fiscal Impact**Commonwealth*

Aside from an initial expected outlay of approximately \$5,000 to revise literature, web sites, forms and its electronic licensing system, the final-form rulemaking will not impose costs and will not have fiscal impact on the Commonwealth. The Department currently registers and

inspects food establishments under the Food Safety Act and licenses and inspects retail food facilities under the Retail Food Facility Safety Act. The final-form rulemaking will not appreciably expand or alter the Department’s role in administering and enforcing these underlying statutes.

*Political subdivisions*

The final-form rulemaking will not impose costs and will not have fiscal impact upon political subdivisions. Although a local government unit may act as the “licensor” of retail food facilities within its borders, the final-form rulemaking will not impose any requirement on a local government unit licensor that is not imposed by one or more of the underlying statutes.

*Private sector*

The final-form rulemaking is not expected to impose costs on the private sector. Owners of restaurants, food processing operations, other retail food facilities and other food establishments are already familiar with the food safety standards and procedures prescribed under the Model Food Code. Chapter 46 embodies many of the provisions of the Model Food Code; the Model Food Code is the basis for much of the food-safety-related training that is available to these persons and that has been obtained for purposes of compliance with the Food Employee Certification Act.

*General public*

The final-form rulemaking will enhance public health and safety. It is expected to reduce the number of cases of foodborne illness attributable to food originating from food facilities in this Commonwealth. This should result in some indeterminate cost savings to the general public.

*Paperwork Requirements*

The final-form rulemaking is not likely to appreciably impact upon the paperwork generated by the Department or other retail food facility licensors, or upon retail food facilities or food establishments.

*Effective Date*

The final-form rulemaking will be effective on May 12, 2014.

*Contact Person*

Individuals who need information about the final-form rulemaking should contact the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Sheri Morris.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 1, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 5218, to IRRC and the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 26, 2014, the final-form rulemaking was deemed approved by the House and

Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 27, 2014, and approved the final-form rulemaking.

*Findings*

The Department finds that:

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

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

(3) The revisions that were made to this final-form rulemaking in response to comments received do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 5218.

(4) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the authorizing statutes.

*Order*

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

(1) The regulations of the Department, 7 Pa. Code Chapters 46 and 76, are amended by adding §§ 46.4 and 46.1201; deleting §§ 46.101, 46.102, 46.111—46.115, 46.131—46.137, 46.151—46.153, 46.201, 46.211, 46.213—46.216, 46.218—46.222, 46.241—46.251, 46.261, 46.262, 46.281—46.286, 46.301—46.307, 46.321—46.323, 46.341—46.344, 46.361—46.366, 46.381—46.385, 46.401, 46.402, 46.421—46.423, 46.441, 46.461, 46.501, 46.521—46.523, 46.541—46.544, 46.561—46.563, 46.581—46.595, 46.611—46.615, 46.631—46.634, 46.651, 46.652, 46.671—46.676, 46.691—46.693, 46.711—46.719, 46.731, 46.751—46.753, 46.771—46.775, 46.801—46.806, 46.821—46.825, 46.841—46.844, 46.861—46.863, 46.881—46.886, 46.901, 46.902, 46.921, 46.922, 46.941—46.946, 46.961—46.965, 46.981, 46.982, 46.1001, 46.1002, 46.1021—46.1029, 46.1041, 76.1—76.17 and 76.19; and amending §§ 46.2, 46.3, 46.212, 46.217, 46.1101—46.1103, 46.1121—46.1124 and 46.1141—46.1144 to read as set forth in Annex A.

*(Editor's Note:* Section 46.1201 was not included in the proposed rulemaking published at 42 Pa.B. 5218. Proposed §§ 76.20 and 76.21 have been withdrawn by the Department.)

(2) The Secretary of Agriculture shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

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

(4) This order will take effect on May 12, 2014.

GEORGE D. GREIG,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 1534 (March 15, 2014).)

**Fiscal Note:** Fiscal Note 2-174 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 7. AGRICULTURE.**

**PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES**

**Subpart A. SOLID FOODS**

**CHAPTER 46. FOOD CODE**

**Subchapter A. PURPOSE; DEFINITIONS; ADOPTION OF MODEL FOOD CODE**

**§ 46.2. Scope.**

This chapter establishes definitions; sets standards for management and personnel, food operations and equipment and facilities; and provides for retail food facility plan review, licensing, inspection and employee restriction.

**§ 46.3. Definitions.**

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

*Bed and breakfast homestead or inn*—A private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.

*Conference for Food Protection*—An independent National voluntary nonprofit organization to promote food safety and consumer protection. Participants in this organization include Federal, state and local regulatory agencies, universities, test providers, certifying organizations, consumer groups, food service and retail store trade associations, and retail food facility operators. The objectives of the organization include identifying and addressing food safety problems and promoting uniformity of regulations in food protection.

*Department*—The Department of Agriculture of the Commonwealth. The term is synonymous with the term “regulatory authority” in Subpart 1-201 of the Model Food Code, regarding applicability and terms defined.

*Drinking water, potable water or water*—Safe drinking water as defined in the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17). The term does not include water such as boiler water, mop water, rainwater, wastewater and “nondrinking” water.

*Employee*—The license holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement or other person working in a retail food facility.

*Food*—An article used for food or drink by humans, including chewing gum and articles used for components of any article. The term does not include medicines and drugs.

*Food Employee Certification Act*—3 Pa.C.S. §§ 6501—6510 (relating to Food Employee Certification Act).

*Food establishment*—

(i) A room, building or place or portion thereof or vehicle maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food.

(ii) The term excludes retail food facilities, retail food establishments, public eating and drinking places, and

those portions of establishments operating exclusively under milk or milk products permits.

(iii) The term is synonymous with the term “food processing plant” in Subpart 1-201 of the Model Food Code.

*Food Safety Act*—3 Pa.C.S. §§ 5721—5737 (relating to Food Safety Act).

*HACCP—Hazard Analysis Critical Control Point*—A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific foodborne hazards that can adversely affect the safety of the food products.

*License*—A grant to a proprietor to operate a retail food facility. The term is synonymous with the term “permit” in Subpart 1-201 of the Model Food Code.

*Licensee*—The person, (such as a retail food facility operator), who is directly responsible for the operation of a retail food facility and holds a current license. The term is synonymous with the term “permit holder” in Subpart 1-201 of the Model Food Code.

*Licensor*—The term includes the following:

(i) The county department of health or joint-county department of health, whenever the retail food facility is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health.

(ii) The health authorities of cities, boroughs, incorporated towns and first-class townships, whenever the retail food facility is located in a city, borough, incorporated town or first-class township not under the jurisdiction of a county department of health or joint-county department of health.

(iii) The health authorities of second class townships and second class townships which have adopted a home rule charter which elect to issue licenses under the Retail Food Facility Safety Act whenever a retail food facility is located in a second class township or second class township which has adopted a home rule charter not under the jurisdiction of a county department of health or joint-county department of health.

(iv) The Department, whenever the retail food facility is located in any other area of this Commonwealth.

*Milk Sanitation Law*—The act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660g).

*Model Food Code*—The most current edition of the Food Code published by the Department of Health and Human Services, Food and Drug Administration.

*Organized camp*—A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational and educational objectives that is operated and used for 5 consecutive days or more during one or more seasons of the year.

*Person in charge*—A person designated by a retail food facility operator to be present at a retail food facility and responsible for the operation of the retail food facility at the time of inspection.

*Proprietor*—A person, partnership, association or corporation conducting or operating a retail food facility in this Commonwealth. The term is synonymous with the term “person” in Subpart 1-201 of the Model Food Code.

*Public eating or drinking place*—A place within this Commonwealth where food or drink is served to or

provided for the public, with or without charge. The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

*Raw agricultural commodity*—A food in its raw or natural state, including fruits which are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing.

*Retail food establishment*—

(i) An establishment which stores, prepares, packages, vends, offers for sale or otherwise provides food for human consumption and which relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or delivery service provided by common carriers.

(ii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

*Retail food facility*—A public eating or drinking place or a retail food establishment. The term is synonymous with the term “food establishment” in Subpart 1-201 of the Model Food Code.

*Retail food facility operator*—The entity that is legally responsible for the operation of the retail food facility, such as the owner, owner’s agent or other person.

*Retail Food Facility Safety Act*—3 Pa.C.S. §§ 5701—5714 (relating to Retail Food Facility Safety Act).

*Secretary*—The Secretary of the Department or an authorized representative, employee or agent of the Department.

#### § 46.4. Adoption of Model Food Code.

The provisions, terms, procedures, appendices and standards in the current edition of the Model Food Code are adopted to the extent they do not conflict with one or more of the following:

- (1) The Retail Food Facility Safety Act.
- (2) The Food Safety Act.
- (3) This chapter.

#### Subchapter B. (Reserved)

§ 46.101. (Reserved).

§ 46.102. (Reserved).

§§ 46.111—46.115. (Reserved).

§§ 46.131—46.137. (Reserved).

§§ 46.151—46.153. (Reserved).

#### Subchapter C. FOOD

§ 46.201. (Reserved).

#### FOOD SOURCES

§ 46.211. (Reserved).

§ 46.212. Food prepared in a private home.

(a) *General*. Food prepared in a private home may not be used or offered for human consumption in a retail food facility unless the private home meets the requirements of subsection (b) or (c).

(b) *Private home that is a registered food establishment*. Food prepared in a private home may be used or offered for human consumption in a retail food facility if the private home from which the food originates is registered with the Department as a food establishment under the Food Safety Act.



(c) *Private home that is exempt from licensure or inspection under the Retail Food Facility Safety Act.* Food prepared in a private home may be used or offered for human consumption in a retail food facility if the following apply:

- (1) The food is not potentially hazardous food.
- (2) The food is used or offered for human consumption by any of the following organizations:

(i) A tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).

(ii) A volunteer fire company or ambulance, religious, charitable, fraternal, veterans, civic, sportsmen, agricultural fair or agricultural association, or a separately chartered auxiliary of an association on a nonprofit basis.

(iii) An organization that is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a nonprofit basis.

(3) The organization that uses or offers the food for human consumption informs consumers that the organization uses or offers food that has been prepared in private homes that are not licensed or inspected.

(i) Acceptable means of providing written notice include providing that notice on a menu, a menu board, separate signage posted in a location that is conspicuous for consumers to view or on individual food product labels.

(ii) The written notice must clearly communicate that the food has been prepared in a private home that is not licensed or inspected. Phrases such as “These baked goods originate from private homes that are not government-licensed or government-inspected,” “The food offered on this table comes from private homes that are not licensed or inspected” and “Food offered in this bake sale has been prepared in private homes that are not licensed or inspected” meet this requirement. Persons may submit proposed written notice language to the Department or other licensor, as applicable, for review.

(4) The food is donated to an organization described under paragraph (2).

§§ 46.213—46.216. (Reserved).

§ 46.217. **Milk and milk products.**

Milk and milk products may be offered for human consumption in a retail food facility if the facility complies with section 2 of the Milk Sanitation Law (31 P. S. § 646).

§§ 46.218—46.222. (Reserved).

§§ 46.241—46.251. (Reserved).

§ 46.261. (Reserved).

§ 46.262. (Reserved).

§§ 46.281—46.286. (Reserved).

§§ 46.301—46.307. (Reserved).

§§ 46.321—46.323. (Reserved).

§§ 46.341—46.344. (Reserved).

§§ 46.361—46.366. (Reserved).

§§ 46.381—46.385. (Reserved).

§ 46.401. (Reserved).

§ 46.402. (Reserved).

§§ 46.421—46.423. (Reserved).

§ 46.441. (Reserved).

§ 46.461. (Reserved).

**Subchapter D. (Reserved)**

§ 46.501. (Reserved).

§§ 46.521—46.523. (Reserved).

§§ 46.541—46.544. (Reserved).

§§ 46.561—46.563. (Reserved).

§§ 46.581—46.595. (Reserved).

§§ 46.611—46.615. (Reserved).

§§ 46.631—46.634. (Reserved).

§ 46.651. (Reserved).

§ 46.652. (Reserved).

§§ 46.671—46.676. (Reserved).

§§ 46.691—46.693. (Reserved).

§§ 46.711—46.719. (Reserved).

§ 46.731. (Reserved).

§§ 46.751—46.753. (Reserved).

§§ 46.771—46.775. (Reserved).

**Subchapter E. (Reserved)**

§§ 46.801—46.806. (Reserved).

§§ 46.821—46.825. (Reserved).

§§ 46.841—46.844. (Reserved).

§§ 46.861—46.863. (Reserved).

§§ 46.881—46.886. (Reserved).

**Subchapter F. (Reserved)**

§ 46.901. (Reserved).

§ 46.902. (Reserved).

§ 46.921. (Reserved).

§ 46.922. (Reserved).

§§ 46.941—46.946. (Reserved).

§§ 46.961—46.965. (Reserved).

§ 46.981. (Reserved).

§ 46.982. (Reserved).

**Subchapter G. (Reserved)**

§ 46.1001. (Reserved).

§ 46.1002. (Reserved).

§§ 46.1021—46.1029. (Reserved).

§ 46.1041. (Reserved).

§ 46.1041. (Reserved).

**Subchapter H. ADMINISTRATIVE PROCEDURES**

**ACCESS, APPROVALS AND VARIANCES**

**§ 46.1101. Access to retail food facilities.**

After the Department or licensor presents identification, the person in charge shall allow the Department or licensor to determine if the retail food facility is in compliance with this chapter by allowing access to the facility, allowing inspection and providing information and records specified in this chapter and to which the Department or licensor is entitled under the Retail Food Facility Safety Act and any other relevant statutory or food regulatory authority during the retail food facility’s

hours of operation and other reasonable times if the facility is not open during normal business hours.

**§ 46.1102. Obtaining Department or licensor approval.**

(a) *General.* This section describes the process by which a person may obtain an approval from the Department or a licensor required by another provision of this chapter.

(b) *Written request.* A person seeking an approval from the Department or a licensor under this chapter shall submit a written request for approval to the entity from which approval is sought. If approval is sought from the Department, the written request shall be mailed or delivered to the following address:

Pennsylvania Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110-9408

(c) *Contents of request.* The written request for approval described in subsection (b) must specify the provision of this chapter under which approval is sought, the reason approval is sought and relevant documentation in support of the request.

(d) *Processing a request.* The Department or licensor will, within 30 days of receipt of a written request for approval under this section, mail or otherwise provide the requester with a written grant or denial of the request, or a specific request for additional information. If a written request for additional information is made, the Department or licensor will have an additional 30 days from the date it receives the additional information within which to mail or otherwise provide the requester with a written grant or denial of the request.

(e) *Standard for approval.* The Department or licensor will grant approval if it determines the approval would not constitute or cause a violation of the Retail Food Facility Safety Act or this chapter, and that no health hazard would result from the approval.

**§ 46.1103. Variances.**

(a) *Modifications and waivers.* The Department may grant a variance by modifying or waiving the requirements of this chapter if—in the opinion of the Department—a health hazard will not result from the variance. If a variance is granted, the Department will retain the information specified in subsection (b) in its records for the retail food facility and provide a copy of the approved variance to the licensor if the licensor is an entity other than the Department.

(b) *Documentation of proposed variance and justification.* Before a variance from a requirement of this chapter is approved, the information provided by the person requesting the variance and retained in the Department's file on the retail food facility includes the following:

(1) A statement of the proposed variance of the chapter requirement citing relevant chapter section numbers.

(2) An analysis of the rationale for how the potential public health hazards addressed by the relevant chapter sections will be alternatively addressed by the proposal.

(3) An HACCP plan—if required as specified in § 46.1122(a)(1) (relating to HACCP plans)—that includes the information specified in § 46.1122(b) as it is relevant to the variance requested.

(c) *Conformance with approved procedures.* If the Department grants a variance as specified in subsection (a),

or an HACCP plan is otherwise required as specified in § 46.1122(a), the retail food facility operator shall do the following:

(1) Comply with the HACCP plans and procedures that are submitted as specified in § 46.1122(b) and approved as a basis for the modification or waiver.

(2) Maintain and provide to the Department or licensor, upon request, records specified in § 46.1122(b)(4) and (5) that demonstrate that the following are routinely employed:

(i) Procedures for monitoring critical control points.

(ii) Monitoring of the critical control points.

(iii) Verification of the effectiveness of an operation or process.

(iv) Necessary corrective actions if there is failure at a critical control point.

**PLAN SUBMISSION AND APPROVAL**

**§ 46.1121. Facility and operating plans.**

(a) *When plans are required.* A retail food facility licensing applicant or retail food facility operator shall have plans and specifications reviewed by the Department or licensor and shall submit these properly prepared plans and specifications (as described in subsection (b)) to the Department or licensor for review and approval using the procedure described in § 46.1142 (relating to application procedure for appropriate license) before any of the following:

(1) The construction of a retail food facility.

(2) The conversion of an existing structure for use as a retail food facility.

(3) The remodeling of a retail food facility (including installation and use of any new major food equipment for heating, cooling, and hot and cold holding food) or a change of type of retail food facility or food operation if the Department or licensor determines that plans and specifications are necessary to ensure compliance with this chapter.

(4) A change of ownership of a retail food facility.

(b) *Contents of the plans and specifications.* The plans and specifications for a retail food facility shall include (as required by the Department or licensor based on the type of operation, type of food preparation and foods prepared) the following information to demonstrate conformance with this chapter:

(1) Intended menu and consumer advisory intentions, if a consumer advisory is required under Subpart 3-603 of the Model Food Code, regarding consumer advisory, for animal foods that are raw, undercooked or not otherwise processed to eliminate pathogens.

(2) Anticipated volume of food to be stored, prepared and sold or served.

(3) Proposed layout, mechanical schematics, construction materials and finish schedules.

(4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications.

(5) Source of water supply, means of sewage disposal and refuse disposal.

(6) An HACCP plan, if required under § 46.1122 (relating to HACCP plans).

(7) Other information that may be required by the Department or licensor for the proper review of the proposed construction, conversion or modification of a retail food facility, and requested by the Department or licensor in writing.

**§ 46.1122. HACCP plans.**

(a) *When an HACCP plan is required.*

(1) Before engaging in an activity that requires an HACCP plan, a retail food facility applicant or retail food facility operator shall submit to the Department or licensor for approval a properly prepared HACCP plan as specified in subsection (b) and the relevant provisions of this chapter if any of the following occurs:

(i) Submission of an HACCP plan is required according to applicable Federal or State laws.

(ii) A variance is required as specified in Subpart 8-201 of the Model Food Code, regarding facility and operating plans.

(iii) The Department or licensor determines that a food preparation or processing method requires a variance based on a plan submittal specified in § 46.1121(b) (relating to facility and operating plans), an inspectional finding or a variance request.

(2) A retail food facility applicant or retail food facility operator shall have a properly prepared HACCP plan as specified in Subpart 3-502 of the Model Food Code, regarding specialized processing methods, for reduced oxygen packaging.

(b) *Contents of an HACCP plan.* For a retail food facility that is required under subsection (a) to have an HACCP plan, the plan and specifications must indicate the following:

(1) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Department or licensor.

(2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(i) Ingredients, materials and equipment used in the preparation of that food.

(ii) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.

(3) Food employee and supervisory training plan that addresses the food safety issues of concern.

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying the following:

- (i) Each critical control point.
- (ii) The critical limits for each critical control point.
- (iii) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge.

(iv) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.

(v) Action to be taken by the person in charge if the critical limits for each critical control point are not met.

(vi) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.

(5) Additional scientific data or other information, as required by the Department or licensor, supporting the determination that food safety is not compromised by the proposal.

**§ 46.1123. Confidentiality of trade secrets.**

The Department or licensor will treat as confidential information that meets the criteria specified in law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified in §§ 46.1121(b) and 46.1122(b) (relating to facility and operating plans; and HACCP plans).

**§ 46.1124. Preoperational inspection of construction.**

The Department or licensor will conduct one or more preoperational inspections to verify that the retail food facility is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and variances granted under § 46.1103 (relating to variances). The Department or licensor will also verify the retail food facility is otherwise in compliance with this chapter and the Retail Food Facility Safety Act.

**REQUIREMENTS FOR OPERATION**

**§ 46.1141. License requirement.**

(a) *General requirement.* A person may not operate a retail food facility without a valid license issued by the Department or licensor, unless otherwise provided in subsection (b).

(b) *Exemptions.* The following retail food facilities are exempt from licensure requirements under the Retail Food Facility Safety Act but remain subject to the inspection provisions and all other provisions of the Retail Food Facility Safety Act:

(1) A retail food facility in which only prepackaged, nonpotentially hazardous food or beverages are sold.

(2) A retail food facility that sells only raw agricultural commodities.

(3) A retail food facility that is exempt from licensure by an order of the Secretary that has been published in the *Pennsylvania Bulletin* in accordance with section 5703(b)(1) of the Retail Food Facility Safety Act (relating to license required) if the licensor is the Department.

(4) A retail food facility that is exempt from licensure by an order of the local government unit or units having licensing authority in accordance with section 5703(b)(1) of the Retail Food Facility Safety Act if the licensor is an entity other than the Department.

(c) *License interval.* A license certificate issued by the Department under this chapter sets forth the license expiration date. The license interval varies, in accordance with the risk-based factors identified in Subpart 8-401 of the Model Food Code, regarding frequency, and Annex 5 of the Model Food Code, regarding conducting risk-based inspections, as follows:

(1) *24-month license interval.*

(i) The license interval is 24 months with a respect to a retail food facility that:

(A) Serves or sells only prepackaged, nonpotentially hazardous foods (nontime/temperature control for safety foods).

(B) Prepares only nonpotentially hazardous foods (nontime/temperature control for safety foods).

(C) Heats only commercially processed, potentially hazardous foods (time/temperature Control for Safety Food (TCS foods)) for hot holding.

(D) Does not cool potentially hazardous foods (TCS foods) for hot holding.

(ii) Examples of the type of retail food facility that would typically be subject to the 24-month license interval in subparagraph (i) are convenience store operations, hot dog carts and coffee shops.

(iii) The license interval for a retail food facility is 24 months if the retail food facility would otherwise be subject to the 18-month license interval in paragraph (2) but demonstrates to the Department, through historical documentation, that it has achieved and documented active managerial control of foodborne illness risk factors identified in Subpart 8-401 of the Model Food Code. These risk factors include:

(A) A history of noncompliance with provisions regarding foodborne illness risk factors or critical items.

(B) Specialized processes conducted.

(C) Food preparation a day in advance of service.

(D) Large numbers of people served.

(E) A history of foodborne illnesses or complaints, or both.

(F) Highly susceptible population served.

(iv) Active managerial control is achieved and documented when the conditions in subsection (d) are achieved by the licensee.

(2) *18-month license interval.*

(i) The license interval is 18 months with respect to a retail food facility that:

(A) Has a limited menu.

(B) Prepares/cooks and serves most products immediately.

(C) May involve hot and cold holding of potentially hazardous foods (TCS foods) after preparation or cooking.

(D) Limits complex preparation of potentially hazardous foods (TCS foods) requiring cooking, cooling and reheating for hot holding to only a few potentially hazardous foods (TCS foods).

(ii) Examples of the type of retail food facility that would typically be subject to the 18-month license interval in subparagraph (i) are retail food store operations that have only a limited number of separate departments (such as deli, bakery, produce, seafood or meat areas), institutional facilities that do not serve a highly susceptible population and quick food service operations.

(iii) The license interval for a retail food facility is 18 months if the retail food facility would otherwise be subject to the 12-month license interval in paragraph (3) but demonstrates to the Department, through historical documentation, that it has achieved and documented active managerial control of the foodborne illness risk factors in paragraph (1).

(iv) The license interval for a retail food facility is 18 months if the retail food facility would otherwise be subject to the 24-month license interval in paragraph (1), but the retail food facility is newly-licensed or has not yet demonstrated to the Department, through historical documentation, that it has achieved and documented active

managerial control of the foodborne illness risk factors in paragraph (1). Active managerial control is achieved and documented when the conditions in subsection (d) are achieved by the licensee.

(3) *12-month license interval.*

(i) The license interval is 12 months with respect to a retail food facility that:

(A) Has an extensive menu that entails handling of raw ingredients.

(B) Has complex preparation including cooking, cooling and reheating for hot holding that involves many potentially hazardous foods (TCS foods).

(C) Uses a variety of processes that require hot and cold holding of potentially hazardous food (TCS food).

(ii) Examples of the type of retail food facility that would typically be subject to the 12-month license interval in subparagraph (i) are full service restaurants or retail food stores with a full range of separate departments (such as deli, bakery, produce, seafood or meat areas) that include ready-to-eat foods from a café, salad bar or hot food bar.

(iii) The license interval for a retail food facility is 12 months if the retail food facility would otherwise be subject to the 6-month license interval in paragraph (4) but demonstrates to the Department, through historical documentation, that it has achieved and documented active managerial control of the foodborne illness risk factors in paragraph (1).

(iv) The license interval for a retail food facility is 12 months if the retail food facility would otherwise be subject to the 18-month license interval in paragraph (2), but the retail food facility is newly-licensed or has not yet demonstrated to the Department, through historical documentation, that it has achieved and documented active managerial control of the foodborne illness risk factors in paragraph (1). Active managerial control is achieved and documented when the conditions in subsection (d) are achieved by the licensee.

(4) *6-month license interval.*

(i) The license interval is 6 months with respect to a retail food facility that serves a highly susceptible population or that conducts specialized processes such as smoking, curing or reduced oxygen packaging to extend shelf life.

(ii) Examples of the type of retail food facility that would typically be subject to the 6-month license interval in subparagraph (i) are preschools, hospitals, nursing homes and establishments conducting processing at retail.

(iii) The license interval for a retail food facility is 6 months if the retail food facility would otherwise be subject to the 12-month license interval in paragraph (3) but the retail food facility is newly-licensed or has not yet demonstrated to the Department, through historical documentation, that it has achieved and documented active managerial control of the foodborne illness risk factors in paragraph (1). Active managerial control is achieved and documented when the conditions in subsection (d) are achieved by the licensee.

(d) *Achieving and documenting active managerial control.* Active managerial control is achieved and documented when all of the following conditions are met:

(1) The previous three inspections of the retail food facility, conducted at the appropriate risk-based licensing

inspection interval as described in subsection (c), documented through the licensee's inspection reports that:

- (i) The retail food facility was in overall compliance.
- (ii) There have not been repeats of previously-identified risk-factor violations among those three inspection reports.
- (iii) If an HACCP plan is required under § 46.1122 (relating to HACCP plans), there have not been violations of that HACCP plan.
- (2) Within the previous three inspections of the retail food facility, conducted at the appropriate risk-based licensing inspection interval as described in subsection (c), there have been no founded consumer complaints regarding food safety.
- (3) Within the previous three inspections of the retail food facility, conducted at the appropriate risk-based licensing inspection interval as described in subsection (c), there have been no reported and confirmed incidents of foodborne illness associated with the facility.
- (4) The retail food facility is in compliance with the Food Employee Certification Act.
- (5) The retail food facility has written procedures that, at a minimum, address all risk factors if the facility does one or more of the following:

- (i) Serves large numbers of people or prepares food a day in advance, or both, such as a retail food facility at a sports stadium, entertainment complex, conference center, banquet hall or offsite catering facility.
- (ii) Serves transient groups of people such as a mobile retail food facility or temporary food facility at a fair or event.
- (iii) Serves consumers which are a highly susceptible population, such as a preschool, nursing home or hospital.

**§ 46.1142. Application procedure for appropriate license.**

Prior to the opening of a retail food facility, the operator shall contact the Department or licensor to obtain the appropriate application form for the required license. The Department or licensor will supply the applicant with the appropriate form, based upon the type of retail food facility involved.

**§ 46.1143. Issuance.**

(a) *New, converted or remodeled retail food facilities.* For retail food facilities that are required to submit plans as specified in § 46.1121(a) (relating to facility and operating plans), the Department or licensor will issue a license to the applicant after the following occur:

- (1) The required plans, specifications and information are reviewed and approved.
- (2) A preoperational inspection, as described in § 46.1124 (relating to preoperational inspection of construction), shows that the facility is built or remodeled in accordance with the approved plans and specifications and that the facility is in compliance with this chapter.
- (3) A properly completed application is submitted.
- (4) The required fee is submitted.

(b) *License renewal.* The retail food facility operator of an existing retail food facility shall submit an application, the required fee and be in compliance with this chapter prior to issuance of a renewed license by the Department or a licensor.

(c) *Change of ownership.* Licenses are nontransferable. New owners shall apply to the Department or licensor in accordance with § 46.1142 (relating to application procedure for appropriate license).

**§ 46.1144. Conditions of retention: responsibilities of the retail food facility operator.**

To retain a license issued by the Department or licensor under this chapter, a retail food facility operator shall do the following:

- (1) Post the license in a location in the retail food facility that is conspicuous to consumers and the Department or licensor.
- (2) Comply with this chapter—including the conditions of a granted variance as specified in § 46.1103(c) (relating to variances)—and approved plans as specified in § 46.1121(b) (relating to facility and operating plans).
- (3) If a retail food facility is required in § 46.1122(a) (relating to HACCP plans) to operate under an HACCP plan, comply with the plan as specified in § 46.1103(c).
- (4) Immediately contact the Department or licensor to report an illness of a food employee as specified in Subpart 2-201 of the Model Food Code, regarding responsibilities of permit holder, person in charge, food employees, and conditional employees.

(5) Immediately discontinue operations and notify the Department or licensor if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health. A retail food facility operator does not need to discontinue operations in an area of a facility that is unaffected by the imminent health hazard.

(6) Not resume operations discontinued in accordance with paragraph (5) or otherwise according to the Retail Food Facility Safety Act until approval is obtained from the Department or licensor.

(7) Allow representatives of the Department or licensor access to the retail food facility as specified in § 46.1101 (relating to access to retail food facilities).

(8) Except as specified in paragraph (9), replace existing facilities and equipment with facilities and equipment that comply with this chapter if either of the following occurs:

(i) The Department or licensor directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted.

(ii) The facilities and equipment are replaced in the normal course of operation.

(9) Comply with directives of the Department or licensor including time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives issued by the Department or licensor in regard to the operator's retail food facility or in response to community emergencies.

(10) Accept notices issued and served by the Department or licensor according to the Retail Food Facility Safety Act.

(11) Remit a fee owed the Department under section 5703(j) of the Retail Food Facility Safety Act (relating to license required) within the time prescribed by the Department.

(12) Remit a civil penalty assessed against the retail food facility operator under the Retail Food Facility Safety Act or this chapter within 30 days of the later of either of the following:

(i) The effective date of the final adjudication assessing the civil penalty.

(ii) The expiration of the applicable deadline by which the final adjudication could be appealed to an appellate court of the Commonwealth.

### **Subchapter I. FOOD EMPLOYEE CERTIFICATION ACT COMPLIANCE**

Sec.

46.1201. Food Employee Certification Act compliance.

#### **§ 46.1201. Food Employee Certification Act compliance.**

(a) *Statutory requirement.* The Food Employee Certification Act requires that a retail food facility have at least one employee who holds a valid certificate present at the retail food facility or immediately accessible at all hours of operation and who is the person in charge of the retail food facility when physically present and on duty.

(b) *General recognition of certification programs.* For purposes of compliance with the Food Employee Certification Act, the Department recognizes certification programs, including examinations developed under those programs, that are evaluated and listed by an accrediting agency that has been recognized by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Program. A certificate of completion of a program is a “certificate” for purposes of the requirement in subsection (a) and is adequate proof of compliance.

(c) *Posting of certificate.* A retail food facility shall post the original certificate of its certified employee in public view at its business location.

(d) *List of acceptable certification programs.* The Department will maintain a current list of Department-recognized certification programs. The Department will:

(1) Publish the current list in the *Pennsylvania Bulletin* annually and when the list is revised.

(2) Post the current list on the Department’s web site at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

(3) Provide a copy of the current list upon request directed to the Department’s Bureau of Food Safety and Laboratory Services at (717) 787-4315 or the following mailing address:

Pennsylvania Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
ATTN: Food Employee Certification  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110-9408

### **Subpart C. MISCELLANEOUS PROVISIONS**

#### **CHAPTER 76. (Reserved)**

#### **§§ 76.1—76.17. (Reserved).**

#### **§ 76.19. (Reserved).**

[Pa.B. Doc. No. 14-762. Filed for public inspection April 11, 2014, 9:00 a.m.]

## **Title 25—ENVIRONMENTAL PROTECTION**

### **ENVIRONMENTAL QUALITY BOARD**

[ 25 PA CODE CHS. 121 AND 139 ]

#### **Measurement and Reporting of Condensable Particulate Matter Emissions**

The Environmental Quality Board (Board) amends Chapters 121 and 139 (relating to general provisions; and sampling and testing) to read as set forth in Annex A.

This final-form rulemaking amends Chapter 139 to update and clarify what sampling and testing methods are used to demonstrate compliance with certain particulate matter (PM) emission limitations. The amendment to § 139.12(a) (relating to emissions of particulate matter) explains the process used for determining compliance with filterable PM emission standards in §§ 123.11—123.13 (relating to combustion units; incinerators; and processes). The amendments to § 139.12(b) and (c) explain the process used for determining compliance with filterable and condensable PM emission limitations. The amendment to § 139.12(d) explains the compliance demonstration process and clarifies that use of test methods and procedures that are not specified in the Source Testing Manual must be approved in writing by the Department. Subsection (e) adds a cross-reference to § 139.5 (relating to revisions to the source testing manual and the continuous source monitoring manual). The amendment to § 139.53 (relating to filing monitoring reports) specifies where monitoring reports must be filed.

In addition to these substantive changes, the final-form rulemaking amends Chapter 121 to add two terms and definitions in § 121.1 (relating to definitions)—“condensable particulate matter” and “filterable particulate matter.”

This order was adopted by the Board at its meeting of November 19, 2013.

#### **A. Effective Date**

This final-form rulemaking is effective upon final-form publication in the *Pennsylvania Bulletin*.

#### **B. Contact Persons**

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436; or Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection’s (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### **C. Statutory Authority**

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (act) (35 P. S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and section 5(a)(8) of the act, which grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

#### D. Background and Purpose

PM is the term for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot and smoke, are large or dark enough to be seen with the naked eye. Other particles are so small they can only be detected using an electron microscope. PM includes “inhalable coarse particles,” with diameters larger than 2.5 micrometers and smaller than 10 micrometers (PM-10), and “fine particles,” with diameters that are 2.5 micrometers and smaller (PM<sub>2.5</sub>). Epidemiological studies have shown a significant correlation between elevated levels of PM<sub>2.5</sub> and a number of serious health effects, including premature mortality, aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work, and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems such as heart attacks and cardiac arrhythmia. See 70 FR 944 (January 5, 2005) and 72 FR 20586 (April 25, 2007).

The United States Environmental Protection Agency (EPA) established the PM National Ambient Air Quality Standard (NAAQS) at 36 FR 8186 (April 30, 1971). The test method specified for determining attainment of the original standards was the high volume sampler, which collects filterable PM up to a nominal size of 25 to 45 micrograms (referred to as total suspended particulate). See 75 FR 80118, 80120 (December 21, 2010).

The Department of Environmental Resources, the predecessor agency to the Department, initially promulgated PM emission standards for combustion units, incinerators and processes under §§ 123.11—123.13 at 1 Pa.B. 1804 (September 11, 1971). Test methods for determining emissions of PM were promulgated under § 139.12 at 2 Pa.B. 383 (March 4, 1972). These methods included the use of both dry filters and wet impingers to test for filterable and condensable PM.

The Department deleted the requirement to use wet impingers to test for PM at 27 Pa.B. 6804 (December 27, 1997) because that provision was more stringent than the applicable Federal requirement and provided little environmental benefit. Under this change, the owners and operators of existing stationary sources subject to §§ 123.11—123.13 are only required to test for compliance with filterable PM emission standards.

The EPA revised the PM NAAQS to add a new standard for fine particles, using PM<sub>2.5</sub> as the indicator, at 62 FR 38652 (July 18, 1997). The EPA set the health-based (primary) and welfare-based (secondary) PM<sub>2.5</sub> annual standard at a level of 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and the 24-hour standard at a level of 65  $\mu\text{g}/\text{m}^3$ . The health-based primary standard is designed to protect human health from elevated levels of PM<sub>2.5</sub>. The secondary standard is designed to protect against major environmental effects of PM<sub>2.5</sub> such as visibility impairment, soiling and materials damage.

The EPA lowered the primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> to 35  $\mu\text{g}/\text{m}^3$  from 65  $\mu\text{g}/\text{m}^3$  at 71 FR 61236 (October 17, 2006). The following counties or portions thereof have been designated by the EPA as nonattainment for the 2006 fine PM 24-hour NAAQS: Allegheny (partial), Armstrong (partial), Beaver, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Pittsburgh/Liberty-Clairton (partial), Washington, Westmoreland and York. See 74 FR 58688, 58758 (November 13, 2009).

Section 110 of the CAA (42 U.S.C.A. § 7410) requires state and local air pollution control agencies to develop, and submit to the EPA for approval, State Implementation Plans (SIP) that provide for the attainment, maintenance and enforcement of the NAAQS in each air quality control region (or portion thereof) within each state. The emissions inventories and analyses used in the state’s attainment demonstrations must consider PM-10 and PM<sub>2.5</sub> emissions from stationary sources that are significant contributors of primary PM-10 and PM<sub>2.5</sub> emissions.

Section 51.50 of 40 CFR (relating to what definitions apply to this subpart) defines primary PM-10 and PM<sub>2.5</sub> as including both the filterable and condensable fractions of PM. Filterable PM consists of those particles that are directly emitted by a source as a solid or liquid at the stack (or similar release conditions) and captured on the filter of a stack test train. Condensable PM is the material that is in vapor phase at stack conditions but condenses or reacts, or both, upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. The Commonwealth defines primary PM-10 and PM<sub>2.5</sub> in a similar manner as measured by the applicable reference method or equivalent method. See § 121.1.

The EPA promulgated revisions to its test methods for measuring filterable PM-10 and PM<sub>2.5</sub> and for measuring condensable PM emissions from stationary sources at 75 FR 80118, which became effective on January 1, 2011. The final amendments to Method 201A add a particle-sizing device to allow for sampling of PM with mean aerodynamic diameters less than or equal to 2.5 micrometers (PM<sub>2.5</sub> or fine PM). The final amendments to Method 202 revise the sample collection and recovery procedures of the method to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable PM. The Department incorporates Methods 201A and 202, and revisions to these methods, by reference in the Department’s Source Testing Manual under § 139.4(5) (relating to references).

Final-form § 139.12(a) clarifies that the owner and operator subject to the PM emission standards under §§ 123.11—123.13 are only required to test for filterable PM as provided in paragraphs (1)—(5). These owners and operators are not subject to the condensable PM test requirements under final-form subsections (b)—(d).

Final-form § 139.12(b) clarifies that the owner or operator of a stationary source subject to PM-10 and PM<sub>2.5</sub> emission limitations shall demonstrate compliance with those limitations by including both filterable and condensable PM. This subsection also clarifies that the owner or operator of a stationary source subject to applicability determinations under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality; and new source review) shall demonstrate compliance for filterable and condensable PM-10 and PM<sub>2.5</sub> emissions.

Final-form § 139.12(c) clarifies when compliance with a PM, PM-10 or PM<sub>2.5</sub> emission limitation must include condensable PM.

Final-form § 139.12(d) explains the compliance demonstration process for the measurement and reporting of filterable and condensable PM. Subsection (d) also clarifies that use of test methods and procedures that are not specified in the Source Testing Manual requires the Department’s prior written approval.

Final-form § 139.12(e) adds a cross-reference to § 139.5.

Final-form § 139.53 amends where monitoring reports are filed.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) on the final-form rulemaking on February 14, 2013. The AQTAC did not have comments and concurred with the Department's recommendation to present the final-form rulemaking to the Board for consideration. The Department also consulted with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee (Committee) on February 6, 2013. On the recommendation of the Committee, on February 19, 2013, the CAC concurred with the Department's recommendation to present the final-form rulemaking to the Board.

The final-form rulemaking only updates and clarifies the applicability of certain requirements to which the owners and operators of certain stationary sources are already subject. The final-form rulemaking does not impose new or additional requirements or compliance costs on these owners and operators.

The final-form rulemaking is reasonably necessary to attain and maintain the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS and to satisfy related CAA requirements.

The final-form rulemaking will be submitted to the EPA upon final-form publication as a revision to the Commonwealth's SIP codified in 40 CFR 52.2020 (relating to identification of plan).

#### *E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking*

##### *§ 121.1. Definitions*

Final-form § 121.1 is amended to add definitions for the terms "condensable particulate matter" and "filterable particulate matter" to support the final-form amendments to Chapter 139. These definitions are consistent with the Federal definitions. The Board deleted "primary" from the final-form definition of "condensable particulate matter" in response to public comments received. Changes were not made to the definition of "filterable particulate matter."

##### *§ 139.12. Emissions of particulate matter*

The final-form rulemaking designates the existing language in § 139.12 as subsection (a) and adds subsections (b)—(d) to clarify filterable and condensable PM testing applicability requirements. Subsection (a) clarifies that the listed test procedures are to determine emissions of filterable PM only and not condensable PM from affected stationary sources for compliance with the PM emission standards in §§ 123.11—123.13.

Subsection (b) provides that the owner or operator of a stationary source subject to emission limitations for PM-10 and PM<sub>2.5</sub> or to applicability determinations required under Chapter 127, Subchapters D and E shall demonstrate compliance for both filterable and condensable PM-10 and PM<sub>2.5</sub> emissions.

Subsection (c) provides that compliance with a PM, PM-10 or PM<sub>2.5</sub> emission limitation issued by the Department prior to January 1, 2011, may not be based on condensable PM unless required by the terms and conditions of a plan approval, operating permit or the SIP in 40 CFR 52.2020.

Subsection (d) provides that a compliance demonstration required under subsection (b) or (c) must include the measurement and reporting of filterable and condensable PM. Test methods and procedures must be equivalent to those specified in § 139.4(5).

Subsection (e) provides a cross reference to § 139.5 to clarify how the Department revises the Source Testing Manual.

##### *§ 139.53. Filing monitoring reports*

The final-form rulemaking amends § 139.53 to specify that the periodic emissions monitoring test reports shall be submitted to the applicable Regional Air Program Manager instead of the Regional Air Pollution Control Engineer and a copy of the report shall be submitted to the Chief of the Division of Source Testing and Monitoring. This amendment makes the filing of monitoring reports more efficient and timely.

#### *F. Summary of Major Comments and Responses*

Three commentators requested changes to the first sentence of § 139.12(c) to include PM-10 and PM<sub>2.5</sub> in addition to PM. The commentators explained this would clarify that condensable PM is not included in determining compliance with emission limits for PM-10 and PM<sub>2.5</sub> that were established prior to January 1, 2011, unless required by a plan approval, operating permit or the SIP codified in 40 CFR 52.2020. The Independent Regulatory Review Commission (IRRC) recommended that the Board either add this clarification or explain why it is unnecessary. The Board agrees. Final-form § 139.12(c) states that compliance with a PM, PM-10 or PM<sub>2.5</sub> emission limitation issued by the Department prior to January 1, 2011, will not be based on condensable PM unless required under the terms and conditions of a plan approval, operating permit or the SIP.

A commentator requested that the phrase "or an applicability determination made" be added to § 139.12(c) because the EPA intended for condensable emissions to be considered prospectively for both emission limitation compliance demonstrations and major New Source Review program applicability determinations. The Board disagrees that the additional language is necessary. The final-form rulemaking clarifies the filterable and condensable PM testing applicability requirements adequately. Limitations regarding review of applicability determinations made before January 1, 2011, remain as established in the EPA's final rule for Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>), published at 73 FR 28321 (May 16, 2008), and the EPA's final rule for Methods for Measurement of Filterable PM-10 and PM<sub>2.5</sub> and Measurement of Condensable PM Emissions From Stationary Sources, published at 75 FR 80118.

A commentator requested that § 139.12(c) be revised to expressly indicate that the Department will specify when an emission limitation for PM, PM<sub>10</sub> or PM<sub>2.5</sub> is based on condensable emissions in addition to filterable emissions. The commentator asserted the regulated community understands a generic "particulate matter" emission limitation to mean filterable only, and that limitations expressed without specific reference to condensable emissions should be interpreted as filterable only. The Board revised final-form § 139.12(c) as previously explained. The Board disagrees with adding the commentator's other requested language because final-form § 139.13(c) clearly states that compliance with a PM emission limitation issued by the Department prior to January 1, 2011, will not be based on condensable PM unless required under the terms and conditions of a plan approval, operating permit or the SIP. Compliance with a PM emission limitation issued by the Department on and after January 1, 2011, will include condensable PM as specified in § 139.12(b) and (d).



A commentator recommended revising § 139.12(b) to clarify that the applicability of the substantive requirements in subsection (b) is limited by subsections (a) and (c), by adding the phrase “except as provided in (a) and (c)” at the end of the last sentence in § 139.12(b). The Board’s response is that the requirements of subsection (b) are not limited by subsection (a) or (c). The owner and operator of a regulated stationary source are required to meet the Federal requirements for PM standards. The changes to the language and exceptions requested by the commentator would result in a regulation that does not comply with Federal requirements.

A commentator recommended deleting the first sentence of § 139.12(d), contending that this sentence is redundant with § 139.12(b) and inconsistent with § 139.12(c). The Board disagrees that § 139.12(d) is redundant with § 139.12(b). Section 139.12(b) requires that the owner or operator of a unit subject to emission limitations for PM-10 and PM<sub>2.5</sub> demonstrate compliance for filterable and condensable PM-10 and PM<sub>2.5</sub> emissions. The first sentence in § 139.12(d) requires the demonstration of compliance specified in § 139.12(b) to be made by measurement and reporting. The second sentence in § 139.12(d) follows by requiring that the measurement and reporting methods used are equivalent to the test methods and procedures specified in § 139.4(5). Further, the Board disagrees that § 139.12(d) conflicts with § 139.12(b). Testing of filterable and condensable emissions is required regardless of whether the condensable portion will be used in the compliance demonstration. A compliance demonstration under § 139.12(c) shall include the measurement and reporting of both filterable and condensable PM, regardless of whether the condensable portion is subject to compliance demonstration under subsection (c).

A commentator requested that the Board adopt EPA Conditional Test Method 039 as an equivalent alternative to EPA Test Methods 201A and 202. IRRC asked whether EPA Conditional Test Method 039 is equivalent to the methods specified in the Source Testing Manual. The Board’s response is that the inclusion of a Federal Conditional Test Method in the final-form rulemaking, that may be subject to change or may never be finalized, would be improper. The owner or operator of an affected source may request the Department’s approval to use Federal Conditional Test Method 039 as an alternative method on a case-by-case basis in accordance with § 139.12(d) and the Source Testing Manual referenced in § 139.4(5). Condensable PM is defined in § 1.3.1.3 of the Source Testing Manual, regarding definitions, as “The sum of the condensable organic particulate and the condensable inorganic particulate as determined by EPA Method 202 or an equivalent method.”

A commentator recommended that the Board confirm that this rulemaking action will not affect the annual inventory required under § 135.3 (relating to reporting). The commentator asserted that operators are not currently required to include condensable emissions in the emission inventory. The Board agrees that this final-form rulemaking does not affect annual emission statement reporting requirements under § 135.21 (relating to emission statements) or annual emission inventory reporting requirements under § 135.3. Owners and operators of air contamination sources subject to those reporting requirements are presently required to report emissions of PM-10 and PM<sub>2.5</sub> in accordance with the Department’s Instructions for Completing the Annual Emission Statement Reporting Forms. The Board disagrees with the commentator’s assertion that operators are not currently

required to include condensable emissions in the emission inventory. Condensable particulate emissions are a component of PM<sub>2.5</sub> and PM-10.

A commentator recommended that the Board clarify and address whether condensable emissions will be considered a regulated pollutant for purposes of calculating the Title V annual emission fees required under § 127.705 (relating to emission fees). IRRC noted it would review the Board’s response to this comment as part of its determination of whether the final-form regulation is in the public interest. The Board responds that condensable PM emissions are already regulated pollutants and required to be included in the accounting of a facility’s emissions of PM and reported for the purposes of calculating the Title V annual emission fees required under § 127.705. The final-form rulemaking does not add a separate fee for condensable PM emissions.

IRRC commented that § 139.12(d) is not clear regarding who makes the determination that a test method or procedure is equivalent to those specified in the Source Testing Manual. IRRC recommended that the subsection be revised to clarify who makes the determination. The Board agrees and clarifies that an owner or operator of a facility who wishes to use an alternative test method or procedure in place of a Commonwealth-specific test method or procedure specified in the Source Testing Manual must obtain the Department’s prior written approval. In these cases, the Department would review the documentation provided by the owner or operator that demonstrates that the alternative test method or procedure provides results that are equivalent and would issue a written determination to the owner or operator. However, the EPA would review the documentation and make the determination of whether an alternative test method or procedure is equivalent to a test requirement required under a Federal law or regulation.

IRRC requested that the Board consider cross-referencing § 139.5 to clarify how the Department revises the Source Testing Manual. In response to IRRC’s request, the Board added final-form § 139.12(e) to cross-reference § 139.5 as follows: The Source Testing Manual referenced in § 139.4(5) is subject to revision in accordance with the procedures in § 139.5 (relating to revisions to the source testing manual and continuous monitoring manual).

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

##### *Benefits*

The final-form rulemaking accounts for emissions of condensable PM, which contribute to the formation of PM<sub>2.5</sub> in the atmosphere. Because condensable emissions exist almost entirely in the 2.5 micrometer range and smaller, and epidemiological studies have shown a significant correlation between elevated PM<sub>2.5</sub> levels and premature death, aggravation of heart and lung disease and asthma attacks, attaining and maintaining the PM<sub>2.5</sub> NAAQS is inherently more significant to the management of public health and welfare effects than attaining and maintaining prior PM NAAQS addressing larger particles. Therefore, it is important that the Commonwealth’s air quality management of PM<sub>2.5</sub> promote a comprehensive and inclusive approach to measuring condensable PM emissions. Improved data will support development of better control strategies to reduce emissions of condensable PM and improve public health and welfare in areas that are designated as nonattainment for PM<sub>2.5</sub>.

### *Compliance Costs*

Because this final-form rulemaking updates and clarifies the applicability of certain requirements to which owners and operators of certain stationary sources are already subject, the final-form rulemaking does not impose new or additional requirements or compliance costs on the owners and operators of these existing stationary sources.

### *Compliance Assistance Plan*

The regulated community is comprised of companies with sophisticated and experienced environmental staff. The owners and operators of these facilities have prior experience with regulatory programs and are technically capable of implementing the amended EPA test methods. The Department will post information on its web site to assist the public in understanding the requirements placed on the owners and operators of subject facilities.

### *Paperwork Requirements*

Because this final-form rulemaking updates and clarifies the applicability of certain requirements to which the owners and operators of certain stationary sources are already subject, the final-form rulemaking does not impose additional paperwork requirements on the owners and operators of these existing stationary sources.

### H. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The major pollution prevention mechanism in the final-form rulemaking is to ensure a comprehensive, inclusive and accurate approach to measuring condensable PM emissions. Improved data will support the development of better control strategies to reduce emissions of condensable PM and improve public health and welfare in areas that are designated as nonattainment for PM<sub>2.5</sub>.

### I. *Sunset Review*

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

### J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 22, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 4363 (July 7, 2012), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 26, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 27, 2014, and approved the final-form rulemaking.

### K. *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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and the comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 4363.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) These regulations are necessary and appropriate to implement provisions of the CAA.

### L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 139, are amended by amending §§ 121.1, 139.12 and 139.53 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to the Independent Regulatory Review Commission and the Committees as required by the Regulatory Review Act.

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

(f) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

E. CHRISTOPHER ABRUZZO,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 1534 (March 15, 2014).)*

**Fiscal Note:** Fiscal Note 7-477 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Computer diskette jacket manufacturing adhesive*—An adhesive intended by the manufacturer to glue the fold-over flaps to the body of a vinyl computer diskette jacket.

*Condensable particulate matter*—Material that is vapor phase at stack conditions but which condenses or reacts, or both, upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack. All condensable particulate matter, if present from a source, is typically in the PM<sub>2.5</sub> size fraction and therefore all of it is a component of both PM<sub>2.5</sub> and PM-10.

*Confined space*—A space that is the following:

- (i) Large enough and so configured that an employee can enter and perform assigned work.
- (ii) Has limited or restricted means for entry or exit— for example, fuel tanks, fuel vessels and other spaces that have limited means of entry.
- (iii) Not suitable for continuous employee occupancy.

\* \* \* \* \*

*Fiberglass*—

(i) For purposes of §§ 129.301—129.310 (relating to control of NO<sub>x</sub> emissions from glass melting furnaces), material consisting of fine filaments of glass that are combined into yarn and woven or spun into fabrics, or that are used as reinforcement in other materials or in masses as thermal or as acoustical insulating product.

(ii) For purposes of §§ 129.77 and 130.702 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and emission standards), a material consisting of extremely fine glass fibers.

*Filterable particulate matter*—Particles directly emitted by a source as a solid or liquid at the stack, or similar release conditions, and captured on the filter of a stack test train.

*Final repair coat*—Liquids applied to correct imperfections or damage to the topcoat.

\* \* \* \* \*

**CHAPTER 139. SAMPLING AND TESTING**

**Subchapter A. SAMPLING AND TESTING  
METHODS AND PROCEDURES**

**STATIONARY SOURCES**

**§ 139.12. Emissions of particulate matter.**

(a) Tests for determining emissions of filterable particulate matter from stationary sources to demonstrate

compliance with the particulate matter emission standards in §§ 123.11—123.13 (relating to combustion units; incinerators; and processes) shall conform with the following:

(1) Test methods for particulate matter emissions shall include dry filters and provide for at least a 95% collection efficiency of particulate matter.

(2) Isokinetic sampling procedures shall be used in sampling for particulate matter emissions and the weight determined gravimetrically after the removal of uncombined water.

(3) Test methods and procedures shall be equivalent to those specified in § 139.4(5) (relating to references). The equipment shall be inert where appropriate and similar to that specified in § 139.4(1).

(4) The minimum sampling time shall be 1 hour or as specified in an applicable standard or by the Department and the minimum sample volume shall be 50 cubic feet or as specified in an applicable standard or by the Department, corrected to standard conditions (dry basis).

(5) Results shall be calculated based upon sample train component weights specified in § 139.4(5). Results shall be reported as pounds of particulate matter per hour and in accordance with the units specified in §§ 123.11—123.13.

(b) The owner or operator of a stationary source subject to emission limitations for PM-10 and PM<sub>2.5</sub> or to applicability determinations required under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality; and new source review) shall demonstrate compliance for filterable and condensable PM-10 and PM<sub>2.5</sub> emissions.

(c) Compliance with a particulate matter, PM-10 or PM<sub>2.5</sub> emission limitation issued by the Department prior to January 1, 2011, will not be based on condensable particulate matter unless required under the terms and conditions of a plan approval, operating permit or the State Implementation Plan codified in 40 CFR 52.2020 (relating to identification of plan).

(d) A compliance demonstration required under subsection (b) or (c) must include the measurement and reporting of filterable and condensable particulate matter. Test methods and procedures used to determine compliance must be equivalent to those specified in § 139.4(5). An owner or operator must obtain the Department's prior written approval for the use of methods and procedures that are not prescribed in the Source Testing Manual.

(e) The Source Test Manual referenced in § 139.4(5) is subject to revision in accordance with the procedures in § 139.5 (relating to revisions to the source testing manual and continuous source monitoring manual).

**Subchapter B. MONITORING DUTIES OF  
CERTAIN SOURCES**

**GENERAL**

**§ 139.53. Filing monitoring reports.**

(a) Persons responsible for the operation of sources subject to monitoring requirements established by order, by condition of plan approval or permit or under this subchapter, shall submit periodic reports of the results of tests, samples or observations conducted, obtained or made in accordance with the methods or techniques referenced in § 139.52 (relating to monitoring methods and techniques). The reports shall be:

(1) Submitted on forms supplied or in a format specified by the Department.

(2) Sworn by the person exercising managerial responsibility over the operation of the source for which monitoring is required.

(3) Submitted on the schedule established by order, condition of plan approval or permit or this subchapter.

(4) Submitted to the Regional Air Program Manager for the region of the Department in which the source is located and a copy to the Chief of the Division of Source Testing and Monitoring.

(b) In addition to the information required by subsection (a) the Department may, by use of a standard form or by written notice, require information regarding test methods, test conditions, operating conditions of the source or other information which may be necessary to properly evaluate the results of emissions monitoring performed at a source.

[Pa.B. Doc. No. 14-763. Filed for public inspection April 11, 2014, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF BARBER EXAMINERS

#### [ 49 PA. CODE CH. 3 ]

#### Fees

The State Board of Barber Examiners (Board) amends § 3.103 (relating to fees) to read as set forth in Annex A. The final-form rulemaking increases the biennial license renewal fees for all licensees of the Board and adjusts certain application fees to cover the costs of processing those applications.

#### *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The new application fees will be implemented immediately upon publication of the final-form rulemaking. The new biennial renewal fees will take effect for the biennial renewal period beginning May 1, 2014.

#### *Statutory Authority*

Section 14(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 564(b)), known as the Barbers' License Law (act), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

#### *Background and Need for Amendment*

Under section 14 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 vast majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

The biennial renewal fees have not been increased since the final-form rulemaking published at 18 Pa.B. 2106 (May 7, 1988). Biennial renewal fees support the general operations of the Board. Licensees are charged the biennial renewal fees when they renew their licenses which expire on April 30 of even-numbered years. Application fees, on the other hand, are intended to offset the costs associated with the processing of the various applications and related inspections. The last time application fees were adjusted was in 2001. See 31 Pa.B. 1225 (March 3, 2001).

At the June 25, 2012, 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. The BFO pointed out that as of June 2012, in spite of it being a renewal year, the Board incurred a deficit of \$46,816.71. Projected revenues for FY 2012-2013, a nonrenewal year, were estimated at approximately \$85,000. However, the Board's projected expenditures for the current fiscal year are in the area of \$640,000, resulting in a projected deficit as of June 2013 of \$601,816.71. The BFO projected that, without an increase to the biennial renewal fees, the Board will incur additional deficits totaling approximately \$686,816.71 in FY 2013-2014 and \$1,281,816.71 in FY 2014-2015. At that time, the BFO recommended that the Board consider increasing the biennial renewal fees by 205% to recoup the existing deficits and provide adequate revenues to meet the Board's operational needs. The Board voted to table the matter until the August 2012 meeting and asked the BFO to provide them with some options.

Thereafter, representatives from the BFO returned to the August 20, 2012, Board meeting. At that time, they presented the Board with various options. The Board selected an option that would raise biennial renewal fees by 200% which would eliminate all deficits by the end of FY 2017-2018 and provide a positive, albeit declining, balance in the Board's account through FY 2023-2024. The Board previously voted to adjust certain application fees to more appropriately reflect the current costs of processing the applications. These adjustments were also included in the proposed rulemaking.

#### *Summary of Comments*

The Board published the proposed rulemaking at 43 Pa.B. 1854 (April 6, 2013) with a 30-day public comment period. The Board did not receive comments from the public. On May 24, 2013, the Board received comments from the House Professional Licensure Committee (HPLC). On June 5, 2013, the Independent Regulatory Review Commission (IRRC) submitted comments to the Board.

The HPLC requested additional information pertaining to the major cost centers of the Board and explaining any significant increases in its expenditures. IRRC indicated that it would review the Board's response to the HPLC's comment as part of its determination of whether the rulemaking is in the public interest.

#### *Response by the Board*

In response, the Board first notes that it has been over 1 year since the BFO first met with the Board suggesting that a fee increase was necessary. Therefore, the Board asked the BFO to provide an updated analysis of the Board's fiscal situation based on current data. The BFO provided updated information to the Board which was discussed at the Board's regularly scheduled meeting on August 19, 2013. Two changes in the Board's current

financial condition were noted at that meeting. First, the number of active licensees has increased since the proposed increase 1 year ago. Second, the Board has been able to reduce expenditures below the projections of 1 year ago so that the projected deficits have been reduced slightly. For example, when the Board approved the increase in August 2012, the BFO projected a negative fund balance at the end of FY 2012-2013 (a nonrenewal year) of approximately \$601,816.71. However, the actual balance at the end of FY 2012-2013 came in at \$546,230.78. The combination of the increase in renewable licenses and the small decrease in the existing deficit led the BFO to conclude that the proposed 200% increase could be lowered to a 160% increase and still be sufficient to recoup existing deficits, cover anticipated operational costs and allow the Board to return to firm financial ground.

As for the major cost centers of the Board, the largest cost center for the Board is "enforcement and investigation" which has averaged approximately \$264,263 annually since FY 2006-2007. All costs incurred by the regulatory enforcement inspectors and professional conduct investigators associated with inspections of barber shops and schools and investigations of complaints involving barbers, barber shops and barber schools are included in this cost center. Enforcement and investigation costs account for over 40% of the Board's expenditures each year. Board administration costs and costs associated with the legal office combined account for another 35% of the Board's expenditures. Board administration costs include all costs associated with receiving and reviewing applications and issuing licenses. These costs have averaged \$121,735 since FY 2006-2007. "Legal office" costs are those costs associated with the prosecution of disciplinary actions involving licensees of the Board and defending those actions on appeal. This cost center also includes the costs associated with the promulgating regulations pertaining to the practice of the profession. Legal office costs have averaged approximately \$90,670 per year since FY 2006-2007. Finally, the costs associated with the Professional Compliance Office and hearing expenses average \$41,937 and \$25,797 per year, respectively. Together these five cost centers make up 90% of the Board's expenditures. The remaining 10% consists of costs associated with the Commissioner's office, revenue office, departmental services and Board member expenses.

The major driving force behind the fee increase is not significant increases in expenditures, but rather the fact that the Board has not raised fees since 1988. Historically, the Board enjoyed a healthy balance in its "account" and elected not to increase its fees because the Board preferred to reduce the significant surplus of available funds. When it became apparent that a fee increase was necessary in 2008, for reasons beyond the Board's control, it was not promulgated in time to go into effect for the 2010 renewal. In 2010, a renewed effort was made to promulgate a fee increase for the 2012 renewal. With the change in administration in 2011, the Board's efforts were refused as the Board worked with the BFO to explore options to reduce expenditures to mitigate any necessary fee increase. As a result, projected expenditures have been reduced from a high of \$675,812.92 in FY 2010-2011 to \$573,770.82 in FY 2011-2012 and \$550,000 (projected) in FY 2012-2013. However, because there was not a fee increase in 2010 or 2012, the Board began incurring deficits, which now amount to \$546,230.76 as of the end of FY 2012-2013. Without a fee increase at this time, even with the decreases in expenditure, these deficits will continue to mount because the Board currently produces

approximately \$671,000 in biennial revenues at the current fee levels, while incurring biennial expenditures of approximate \$1.151 million, a difference of \$480,000.

#### *Description of Amendments*

Based upon the current expense and revenue estimates provided to the Board, the Board is amending § 3.103 to increase the biennial renewal fees for all classes of licensees. The biennial renewal fees will increase in 2014 by 160%: \$42 to \$109 for barbers; \$62 to \$161 for barber shop managers; \$67 to \$174 for barber teachers; \$72 to \$187 for barber shops; and \$112 to \$291 for barber schools. A change has not been made to the proposed application fees, as these fees were designed to cover the costs associated with processing each application. Therefore, the fee for initial licensure by reciprocity will increase from \$20 to \$55 and the application fee for initial licensure of a barber shop will increase from \$55 to \$110. Conversely, the fee for initial licensure of a barber school will be reduced from \$280 to \$140. There are two fees the Board charges when a barber shop proposes a change depending on whether the proposed change requires an inspection. The Board is increasing the fee when an inspection is required from \$55 to \$90 and when no inspection is required from \$15 to \$40. Similarly, the fee to reinspect a shop or school after a failed inspection is being increased from \$40 to \$90.

#### *Fiscal Impact*

The final-form rulemaking will increase the biennial renewal fees for licensees of the Board. There are currently approximately 9,731 licensees that will be required to pay more to renew their licenses when they expire on April 30, 2014. In addition, applicants for various licenses will incur greater costs associated with processing applications and conducting inspections. 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*

The 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. 1854, 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 February 26, 2014, 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 February 27, 2014, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Kelly Diller, Board Administrator, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-BARBER@pa.gov.

Findings

The Board finds that:

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

(2) A public comment period was provided as required by law and no comments were received.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 1854.

(4) 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 3, are amended by amending § 3.103 to read as set forth in Annex A.

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

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

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

JOHN E. PAYNE, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 1534 (March 15, 2014).)

Fiscal Note: Fiscal Note 16A-428 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

SCHOOLS OF BARBERING

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

Table with 2 columns: Fee description and Amount. Rows include: Licensure of barber, barber shop manager or barber teacher (\$10); Licensure of barber by reciprocity (\$55); Licensure of barber shop (\$110); Licensure of barber school (\$140).

Table with 2 columns: Fee description and Amount. Rows include: Biennial renewal of barber license (\$109); Biennial renewal of barber shop manager license (\$161); Biennial renewal of barber teacher license (\$174); Biennial renewal of barber shop license (\$187); Biennial renewal of barber school license (\$291); Change in barber shop—inspection required (\$90); Change in barber shop—no inspection required (\$40); Reinspection after first fail—new or change (shop or school) (\$90); Verify license/permit/registration (\$15); Certification of student status or student training hours (\$30).

[Pa.B. Doc. No. 14-764. Filed for public inspection April 11, 2014, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

[ 49 PA. CODE CH. 7 ]

Fees—Cosmetology

The State Board of Cosmetology (Board) amends § 7.2 (relating to fees) to read as set forth in Annex A. The final-form rulemaking provides for an increase to the biennial license renewal fees for all licensees and increases certain application fees to cover the costs of processing those applications.

Effective Date

The final-form rulemaking will be effective upon publication in the Pennsylvania Bulletin. The new application fees will be implemented immediately upon publication of the final-form rulemaking. The new biennial renewal fees will be implemented with the license renewals that are due by January 31, 2015.

Statutory Authority

Section 16(c) and (d) of the act of May 3, 1933 (P. L. 242, No. 36) (63 P. S. § 522(c) and (d)), known as the Cosmetology Law (act), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

Background and Need for Amendment

Under section 16(d) 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 vast majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees.

At the present fee level, the Board produces approximately \$6.287 million in revenue over a 2-year period. Conversely, the Board is budgeted to spend \$4.1 million in the current fiscal year and an estimated \$4.223 million in Fiscal Year (FY) 2014-2015, or a deficit of over \$2.036 million during the biennial cycle. The disparity in the amount of revenue capable of being produced over a 2-year period and the amount that is being expended requires the Board to now implement a 90% fee increase to sustain the required level of operations and eliminate mounting deficits. As of the end of FY 2012-2013, the Board has incurred deficits totaling nearly \$3 million.

The Department of State's Bureau of Finance and Operations (BFO) anticipates that the fees will enable the Board to recoup the existing deficits by the end of FY 2017-2018, avoid future deficits and place the Board back on solid financial ground. Without the increases to these fees, deficits will threaten the continuing viability of the Board.

#### *Summary of Comments*

The Board published the proposed rulemaking at 43 Pa.B. 1855 (April 6, 2013) with a 30-day public comment period. The Board did not receive public comments. On May 24, 2013, the Board received comments from the House Professional Licensure Committee (HPLC). On June 5, 2013, the Independent Regulatory Review Commission (IRRC) submitted comments to the Board.

The HPLC requested additional information pertaining to the major cost centers of the Board and explaining any significant increases in its expenditures. IRRC indicated that it would review the Board's response to the HPLC's comment as part of its determination of whether the rulemaking is in the public interest.

#### *Response by the Board*

In response, the Board first notes that it has been over 1 year since the BFO last met with the Board suggesting that the fee increase was necessary. Therefore, the Board asked the BFO to provide an updated analysis of the Board's fiscal situation based on current data. The BFO provided updated information to the Board which was discussed at the Board's regularly scheduled meeting on September 16, 2013. Although the renewable licensee count has increased slightly, there has not been appreciable improvement in the Board's financial condition since 1 year ago. At that time, the BFO projected that the total deficit balance in the Board's "account" at the end of FY 2012-2013 would be approximately \$2,958,500; the actual balance as of June 30, 2013, is now projected to be in the area of \$2,902,400. The Board attributes this \$50,000 difference in part to the increase in renewable licenses from 131,335 to 134,035 over the past year. However, the increase is not statistically significant enough to warrant a change in the proposed fee increases. Based on the Board's current financial status, even with the increased fees, the Board will not have a positive balance in its account until FY 2017-2018.

As for the major cost centers of the Board, the largest cost center for the Board is "enforcement and investigation" which has averaged approximately \$1.2 million annually since FY 2006-2007. All costs incurred by the regulatory enforcement inspectors and professional conduct investigators associated with inspections of salons and schools and investigations of complaints involving licensees of the Board, licensed salons and schools are included in this cost center. Enforcement and investigation costs account for about 1/3 of the Board's expenditures each year. Board administration costs and costs associated with the legal office combined account for another 35% of the Board's expenditures. Board administration costs include all costs associated with receiving and reviewing applications and issuing licenses. These costs have averaged slightly more than \$1 million annually since FY 2006-2007. "Legal office" costs are those costs associated with the prosecution of disciplinary actions involving licensees of the Board and defending those actions on appeal. This cost center also includes the costs associated with the promulgating regulations pertaining to the practice of the profession. Legal office costs have averaged approximately \$500,000 per year since FY 2006-2007. Finally, the costs associated with the Professional

Compliance Office and hearing expenses average \$200,000 and \$135,000 per year, respectively. Together these five cost centers make up 80% of the Board's expenditures. The remaining 20% consists of costs associated with the Commissioner's office, revenue office, departmental services and Board member expenses.

The major driving force behind the fee increase is not significant increases in expenditures. In fact, expenditures have not increased appreciably since FY 2006-2007. Total expenditures follow: FY 2007-2008—\$3,659,505.80; FY 2008-2009—\$3,840,825.42; FY 2009-2010—\$3,816,867.37; FY 2010-2011—\$3,877,457.59; FY 2011-2012—\$3,475,451.32; and FY 2012-2013—\$3,868,533.90. The Board has held the line on expenditures over these years. The need for a fee increase became apparent in FY 2007-2008 when expenditures significantly outpaced revenues for the first time (by approximately \$500,000). As a result, the Board began regulatory efforts to increase its fees in 2009 (anticipating that the new fees would be in place for the 2011 renewals). However, due to circumstances beyond the Board's control, that fee increase was not implemented. With the change in administration in 2011, the Board's efforts were refocused as the Board worked with the BFO to explore options to reduce expenditures to mitigate any necessary fee increase. As a result, in FY 2011-2012, expenditures dropped from the prior year by approximately \$400,000. However, in FY 2012-2013, expenditures rebounded back to the prior level. Unfortunately, starting in FY 2007-2008, the Board began incurring annual deficits, where annual expenditures outpaced annual revenues by amounts averaging approximately \$665,000 each year. As a result, the balance in the Board's account has been depleted, to the degree that the Board now has a negative "balance" of nearly \$3 million. Because the increased biennial renewal fees are not expected to be implemented until the renewals in January 2015, the BFO projects the total deficit will reach nearly \$4 million before the situation begins to turn around.

#### *Description of Amendments*

Based upon the previous expense and revenue estimates provided to the Board, the Board is amending § 7.2 to increase the biennial renewal fees for all classes of licensees. The biennial renewal fee for cosmetologists, nail technicians, estheticians and natural hair braiders will increase from \$35 to \$67. The biennial renewal fee for cosmetology and limited practice teachers will increase from \$55 to \$105. The biennial renewal fee for cosmetology and limited practice salons will increase from \$60 to \$114. Finally, biennial renewal of cosmetology school licenses will increase from \$150 to \$285.

In addition, as a result of the review of the application fees conducted by the BFO, the Board is increasing the fees for the processing of applications for initial licensure of cosmetology and limited practice salons from the current level of \$55 to \$100. The fee schedule would increase the fee for cosmetology schools from \$160 to \$180. In addition, the Board is increasing the fees required to process a change in a salon license when an inspection is required from \$55 to \$85 and for reinspection of a salon or school from \$40 to \$85. In addition, the fee for processing a change to a salon license when an inspection is not required is increasing from \$15 to \$30. Finally, the Board is increasing the fees for processing an application for licensure by reciprocity from \$20 to \$60.

#### *Fiscal Impact*

The final-form rulemaking will increase the biennial renewal fees for all licensee classifications. There are

currently about 134,035 licensees expected to renew their licenses during the 2015 and 2016 renewal cycles. In addition, applicants for various licenses will incur greater costs associated with processing applications and conducting inspections. The final-form rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions.

*Paperwork Requirements*

The 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 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. 1855, 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 February 26, 2014, 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 February 27, 2014, and approved the final-form rulemaking.

*Contact Person*

Further information may be obtained by contacting Kelly Diller, Board Administrator, State Board of Cosmetology, P.O. Box 2649, Harrisburg, PA 17105-2649, racosmetology@pa.gov.

*Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and no 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 7, are amended by amending § 7.2 to read as set forth in Annex A.

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

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

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

KARIE M. SCHOENEMAN,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 1534 (March 15, 2014).)*

**Fiscal Note:** Fiscal Note 16A-4515 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 7. STATE BOARD OF COSMETOLOGY  
GENERAL PROVISIONS**

**§ 7.2. Fees.**

Fees charged by the Board are as follows:

Licensure of cosmetologist, nail technician, esthetician or natural hair braider.....	\$10
Licensure of cosmetology teacher or limited practice teacher.....	\$10
Licensure of cosmetology salon or limited practice salon.....	\$100
Licensure of cosmetology school.....	\$180
Licensure by reciprocity.....	\$60
Registration of cosmetology apprentice.....	\$70
Biennial renewal of nail technician license.....	\$67
Biennial renewal of esthetician license.....	\$67
Biennial renewal of cosmetologist license.....	\$67
Biennial renewal of natural hair braider license...	\$67
Biennial renewal of cosmetology teacher or limited practice teacher license.....	\$105
Biennial renewal of cosmetology salon or limited practice salon license.....	\$114
Biennial renewal of cosmetology school license....	\$285
Approval of cosmetology school supervisor.....	\$20
Change in cosmetology salon or limited practice salon (inspection required).....	\$85
Change in cosmetology salon or limited practice salon (no inspection required).....	\$30
Change in cosmetology school (inspection required).....	\$110
Change in cosmetology school (no inspection required).....	\$35
Reinspection of cosmetology salon or limited practice salon or cosmetology school.....	\$85
Certification of student or apprentice training hours.....	\$30
Verification of license, registration, permit or approval.....	\$15

[Pa.B. Doc. No. 14-765. Filed for public inspection April 11, 2014, 9:00 a.m.]



# PROPOSED RULEMAKING

## BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[ 49 PA. CODE CH. 43b ]

### Schedule of Civil Penalties—Optometrists

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) proposes to add § 43b.25 (relating to schedule of civil penalties—optometrists) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards.

#### *Background and Purpose*

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, a licensee who receives an Act 48 citation retains due process rights to a hearing prior to the imposition of judgment. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts. Section 5(b)(4) of Act 48 authorizes the State Board of Optometry (Board), as a licensing board within the Bureau, to levy a civil penalty of not more than \$10,000 on any licensee or unlicensed person who violates a provision of the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12) or Board regulations. However, section 5(a) of Act 48 limits the civil penalty levied by citation to no more than \$1,000 per violation.

This is the first time that the Board will participate in the Act 48 citation program. The Board believes that it is necessary to implement the civil penalties in this proposed rulemaking to streamline the disciplinary process to be more efficient and cost effective.

#### *Description of the Proposed Rulemaking*

The Commissioner, in consultation with the Board, proposes to set forth a schedule of civil penalties optometrists practicing on a lapsed license, a violation of section 8(d) of the act (63 P. S. § 244.8(d)). The proposed rulemaking provides a graduated civil penalty increasing based on the length of the lapse and increasing for second offenses. Third or subsequent offenses would require

formal action. In addition, this proposed rulemaking would implement a schedule of civil penalties for failure to complete 30 hours of approved continuing education in accordance with § 23.82(a) (relating to continuing education hour requirements). This schedule would likewise increase depending on the number of hours of deficiency and increase for second offenses. Third or subsequent offenses would require formal action.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking would reduce the paperwork requirements of the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements, and adjudications and orders for those violations subject to the Act 48 citation process. The only fiscal impact of the proposed rulemaking would be borne by those persons who violate the act or regulations of the Board and are subject to the civil penalties proposed by the new schedule.

#### *Sunset Date*

The Commissioner and the Board continuously monitor the effectiveness of their regulations. As a result, 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 28, 2014, the Commissioner submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5212 (schedule of civil penalties—optometrists) when submitting comments.

TRAVIS N. GERY, Esq.,  
*Acting Commissioner*

**Fiscal Note:** 16A-5212. No fiscal impact; (8) recommends adoption.

PROPOSED RULEMAKING

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.25. Schedule of civil penalties—optometrists.

STATE BOARD OF OPTOMETRY

<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 244.8(d)	Practicing or offering to practice optometry by person whose license is expired.	1st offense—less than 5 months—\$250; 5 months to 8 months—\$500; over 8 months-12 months—\$1,000; over 12 months—formal action 2nd offense—less than 6 months—\$500; 6 months to 12 months—\$1,000; over 12 months—formal action 3rd or subsequent offense—formal action
<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
§ 23.82(a)	Failure to complete required hours of continuing education during the 2 years preceding renewal or reactivation.	1st offense—20 or fewer hours of deficiency—\$50 per hour; more than 20 hours of deficiency—formal action 2nd offense—10 or fewer hours of deficiency—\$100 per hour; more than 10 hours of deficiency—formal action 3rd or subsequent offense—formal action

[Pa.B. Doc. No. 14-766. Filed for public inspection April 11, 2014, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### General Quarantine Order; Chronic Wasting Disease Program Requirements for Herd Certification Program and Herd Monitoring Program

#### *Recitals*

A. Chronic Wasting Disease (CWD) is considered an infectious, progressive and always fatal disease of susceptible species of the genera *Cervus*, *Odocoileus* and *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer and hybrids thereof.

B. There is no known treatment for CWD infection, no successful vaccine against this disease and no reliable live animal test for this disease.

C. CWD is believed to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials occurring through shared environment or close contact.

D. CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (Law) (3 Pa.C.S. §§ 2301—2389), at 3 Pa.C.S. § 2321(d).

E. The Department of Agriculture (Department) has broad authority under the Law to regulate the keeping, transport and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

F. The Department also has broad authority under the Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

G. CWD may negatively impact this Commonwealth’s wild and domestic (farmed or captive) cervid populations. CWD is of particular concern to the captive/farmed cervid industry, in that presence of CWD infection in a herd has resulted in the destruction of an entire herd and severely limited the market for product within and outside this Commonwealth.

H. In 2012, CWD infection was confirmed in two domestic white-tailed deer on a farm in the Commonwealth. CWD was diagnosed in free ranging deer in the Commonwealth from testing done in association with the Pennsylvania Game Commission’s 2012 and 2013 hunter harvest program. It has also been detected in cervids in Maryland, New York, Virginia, and West Virginia, and is known to be present in a number of other states and several Canadian provinces.

I. On August 4, 2006, the Department issued a General Quarantine Order addressing the CWD threat. That General Quarantine Order, published at 36 Pa.B. 4612 (August 19, 2006), required persons who own or maintain one or more CWD-susceptible animals to enroll and participate in either the CWD Herd Certification Program or the CWD Herd Monitoring Program.

J. On February 4, 2011, the Department rescinded and supplanted the referenced August 4, 2006 General Quarantine Order to reflect the experience the Department

had gained in administering the referenced General Quarantine Order, as well as its current understanding of the threat posed by CWD. That General Quarantine Order, published at 41 Pa.B. 727 modified requirements to the mandatory CWD Herd Certification and the CWD Herd Monitoring Programs to improve disease control procedures in the Commonwealth.

K. On October 19, 2013, the Department published a revised General Quarantine Order, at 43 Pa.B. No. 42, 6218 (October 19, 2013), which rescinded and supplanted the referenced February 4, 2011, General Quarantine Order. The purpose of the October 19, 2013 General Quarantine Order was to harmonize Commonwealth program standards with Federal regulations in 9 CFR Parts 55 and 81 which establish minimum national standards addressing State CWD herd certification programs for interstate cervid commerce and to impose improved disease control and monitoring procedures intended to better contain the spread of CWD in the captive deer population.

L. On February 22, 2014, the Department published a revised General Quarantine Order, at 44 Pa.B. No. 8, 1011 (February 22, 2014), which rescinded and supplanted the referenced October 19, 2013 General Quarantine Order. The purposed of the February 22, 2014, General Quarantine Order was to clarify certain provisions of the October 19, 2013 General Quarantine Order related to the time period for compliance. The amendments provided in the February 22, 2014 General Quarantine Order provided the regulated community a time period to understand and come into compliance with the new provisions, and established a date by which the regulated community was required to be in compliance with all of the provisions of that General Quarantine Order.

M. By this General Quarantine Order, the Department is amending and supplanting the referenced February 22, 2014, General Quarantine Order in order to allow for fifty-percent (50%) testing under the Herd Monitoring Program requirements as set forth in Section 10 of this General Quarantine Order. This General Quarantine Order and all of its provisions shall become effective as set forth in Section 14 (related to effective date), by which time the regulated community shall be in compliance with all aspects of this General Quarantine Order. As set forth at Section 14 of this Order (related to effective date), the regulated community shall continue to have until August 1, 2014, to come into compliance with the requirements of Section 9 (related to CWD Herd Certification Program) and Section 10 (related to CWD Herd Monitoring Program). All other requirements of this General Quarantine Order shall become effective as of the date of publication in the *Pennsylvania Bulletin*. As was the case with the February 22, 2014 General Quarantine Order, the Department continues to reinstate the provisions of the February 4, 2011 General Quarantine Order, published at 41 Pa.B. 727 (February 5, 2011), until such time, August 1, 2014, as all of the provisions of this General Quarantine Order shall become effective.

#### *Order of General Quarantine*

With the foregoing recitals incorporated into this General Quarantine Order by reference, the Department hereby establishes a General Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(d). The terms of this General Quarantine Order are as follows:

1. *Quarantine Area.* This General Quarantine Order is applicable to the entire Commonwealth of Pennsylvania.

2. *October 19, 2013 and February 4, 2011 General Quarantine Order; Chronic Wasting Disease Program.* The October 19, 2013 General Quarantine Order; Chronic Wasting Disease Program Requirements for Herd Certification Program and Herd Monitoring Program, published at 43 Pa.B. No. 42 6218 (October 19, 2013) is hereby rescinded and supplanted by this General Quarantine Order. In addition, the February 4, 2011 General Quarantine Order; Chronic Wasting Disease Program, published at 41 Pa.B. 727 (February 5, 2011), is hereby reinstated by this General Quarantine Order, until such date, August 1, 2014, as the provisions and requirements of the Herd Certification Program (established by Section 9. of this General Quarantine Order) and the Herd Monitoring Program (established by Section 10. Of this General Quarantine Order) become effective. All persons or businesses that own or maintain one or more of any of the CWD-susceptible species of the genera *Cervus*, *Odocoileus* or *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer or hybrid thereof, in captivity within this Commonwealth shall continue to be required to be enrolled in and follow the requirements of either the CWD Herd Certification Program or the CWD Herd Monitoring Program. Persons, premises and animals that were enrolled in either the CWD Herd Certification Program or the CWD Herd Monitoring Program under authority of the February 4, 2011 General Quarantine Order shall remain enrolled under the authority of that General Quarantine Order until such time as they meet the program enrollment requirements of this General Quarantine Order, as set forth in Sections 3. through 8. herein. All enrolled herds shall be subject to the terms and requirements of this General Quarantine Order upon their effective dates as set forth in Section 14. herein.

3. *Election of Program and Compliance.*

a. *Election of Program and Enrollment.* All persons subject to this General Quarantine Order, as set forth in Subsection 4.a. of this General Quarantine Order, shall file a program enrollment form with the Department within the time period established in Subsection 3.b. (related to election of program and compliance). Failure to enroll in the program, file a program enrollment form, file a complete program enrollment form or comply with the enrollment requirements established herein, shall be a violation of this General Quarantine Order and subject the person to such penalties as are authorized under the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.)

b. *Election of program and compliance.* Both currently enrolled and new herds subject to this General Quarantine Order shall file a program enrollment form with the Department within the time periods established below. Program enrollment is open upon publication of this General Quarantine Order in the *Pennsylvania Bulletin*.

i. *Persons Currently Enrolled.* Persons currently enrolled under the Herd Certification or Herd Monitoring Program established under the authority of the February 4, 2011 General Quarantine Order, shall be afforded a time period, until August 1, 2014, to complete the program enrollment process required by this General Quarantine Order and elect a program under this General Quarantine Order. All previously enrolled participants in the 2011 General Quarantine Order shall complete a new program enrollment application, which shall include selection of the program—Herd Certification Program or Herd Monitoring Program—they wish to be enrolled

under—and return it to the Department, at the address set forth in Section 6 (related to obtaining a program enrollment form) of this General Quarantine Order by the August 1, 2014 deadline.

A. *Enrollment time period.* Persons currently enrolled under the Herd Certification or Herd Monitoring Program established under the authority of the February 4, 2011 General Quarantine Order may choose to complete the enrollment process required by this General Quarantine Order and elect a program at any time prior to the August 1, 2014 deadline.

B. *Election of program.* Those persons currently enrolled under the CWD Herd Certification Program may elect to continue under the CWD Herd Certification Program established by this General Quarantine Order and be subject to the requirements set forth herein or may downgrade the captive herd and enroll in the Herd Monitoring Program established by this General Quarantine Order and be subject to the requirements set forth herein. Persons may also elect to upgrade from the Herd Monitoring Program to the Herd Certification Program. After enrollment, currently enrolled program participants, electing the voluntary Herd Certification Program may, at the Department's discretion, elect to change the anniversary date for subsequent years to meet the requirements of the Herd Certification Program. Any such request for a change in anniversary date shall be in writing signed by the program participant and mailed to the Department at the address set forth in Section 6 (related to obtaining a program enrollment form) of this General Quarantine Order.

C. *Compliance.* Persons currently enrolled under the Herd Certification or Herd Monitoring Program established under the authority of the February 4, 2011 General Quarantine Order shall have until August 1, 2014 to both elect a level of participation and within which to come into compliance with any new or different requirements imposed by this General Quarantine Order.

ii. *Persons Not Currently Enrolled or New Participants.* All persons not currently enrolled in the Herd Certification or Herd Monitored Program established under the authority of the February 4, 2011 General Quarantine Order which own or maintain one or more of any CWD susceptible species in captivity or new participants which seek to own or maintain one or more of any CWD susceptible species in captivity, shall immediately file a program enrollment form with the Department. Such persons shall be subject to the requirements of the February 4, 2011 General Quarantine Order until such time as the provisions of the Herd Certification Program (established by Section 9. of this General Quarantine Order) and the Herd Monitoring Program (established by Section 10. of this General Quarantine Order) become effective.

4. *Program Enrollment Requirement.*

a. Any person or business that owns or maintains one or more of any of the CWD-susceptible species of the genera *Cervus*, *Odocoileus* or *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer or hybrids thereof, in captivity within this Commonwealth shall enroll in one of two programs—CWD Herd Certification Program and CWD Herd Monitoring Program—established under this General Quarantine Order. Enrollment in the CWD Herd Certification Program is not mandatory. A person may choose to voluntarily enroll in the CWD Herd Certification Program and adhere to the more stringent requirements estab-

lished under that program. A person who does not choose to enroll in the CWD Herd Certification Program, shall be required to enroll in the CWD Herd Monitoring Program.

b. A person required to adhere to the provisions of this General Quarantine Order shall provide the Department with a completed program enrollment form, as described in Sections 5 through 8 (related to meeting the program enrollment requirement; required adherence to Herd Certification or Herd Monitoring protocols, obtaining a program enrollment form, contents of the program enrollment forms, delivering the program enrollment form) of this General Quarantine Order. The program enrollment form utilized shall be the form developed and approved by the Department. The program enrollment form will be available on the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)) and will be made available in paper form for those not having internet access. The requirements of this General Quarantine Order are applicable to any type of location or operation at which CWD-susceptible cervids are maintained, including private residences, farms, hunting ranches, zoological displays and menageries. Each separate location, operation and herd will be assigned a state premises identification number which identifies that individual herd's status. The state premises identification number begins with 'PA' and followed by six alphanumeric characters.

c. When multiple program herds reside on the same premises, or where herds owned by the same person reside on more than one premises, a separate program enrollment form shall be required for each program herd on each premises, which shall mean each separate level of Certified Status and each Monitoring herd held in captivity. For example, where one herd of CWD-susceptible species will be enrolled in the CWD Herd Certification Program and another is enrolled in the CWD Herd Monitoring Program, a separate program enrollment form shall be required for each of those herds denoting a different program. Separation between perimeter fences shall be no less than 30 feet for animals on different programs for the same participant or between different participants.

d. Prior to transferring or bringing a CWD-susceptible species onto a premises not currently or not previously enrolled in the CWD program, a person shall submit to an inspection of the premises prior to approval of such premises to hold and maintain a CWD-susceptible species. Such inspection shall be carried out by a PDA official in order to assure the person has proper enclosures and fencing to maintain the CWD-susceptible species so as to prevent ingress and egress of cervids. Failure to submit to such an inspection or the failure to have erected proper enclosures and fencing in a manner that will prevent ingress and egress of cervids may result in any or all of the following actions:

- i. The denial of the addition of a CWD-susceptible species to the premises;
- ii. Criminal or civil penalties as allowed under the Law;
- iii. Equitable relief as allowed under the Law;
- iv. Such other action as allowed under the Law.

5. *Meeting the Program Enrollment Requirement; Required Adherence to Herd Certification or Herd Monitoring Protocols.* Farmed or captive CWD-susceptible cervids present on each premises described in Section 4 (related to program enrollment requirement) shall be enrolled by the cervid owner in either the CWD Herd Certification Program or the CWD Herd Monitoring Program (which

are described as follows). A cervid owner who is required to enroll one or more CWD-susceptible cervids under this General Quarantine Order, and who enrolls the animals in either the CWD Herd Certification Program or the CWD Herd Monitoring Program, shall be referred to as a "program participant" throughout this General Quarantine Order. The program participant shall be responsible to maintain the subject animal or herd in compliance with all of the requirements of the program in which it is enrolled. The Department will promptly mail or deliver program enrollment forms to any person who requests the forms. Enrollment shall be completed by delivering a completed program enrollment form to the Department by any of the means described in Section 8 (related to delivering the program enrollment form).

6. *Obtaining a Program Enrollment Form.* The program enrollment forms described in Section 7 (related to contents of the program enrollment forms) (for either the CWD Herd Certification Program or the CWD Herd Monitoring Program) may be obtained by:

- a. Telephoning the Department at (717) 783-5309 and requesting that a form be provided by mail or fax.
- b. Mailing or presenting a request to the Department at the following address:

Pennsylvania Department of Agriculture  
ATTN: CWD Program Manager, Animal Health  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

- c. Downloading the forms from the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

7. *Contents of the Program Enrollment Forms*

a. *CWD Herd Certification Program.* The program enrollment form for the CWD Herd Certification Program shall require the following information:

i. Mailing address and contact information to include the name, address, telephone number and where applicable, the e-mail address of each person who owns or maintains an ownership interest in the operation or business and in each subject farmed or captive cervid. Where the operation or business is other than a sole proprietorship, the name, title and ownership interest of each person who is part of the business structure or involved in the operation or business shall be set forth, along with the names of any hired managers or authorized agents.

ii. Physical address of premises, which shall be the physical address of the premises on which the captive cervids are located and shall be a street address (P.O. Boxes will not be accepted) at which each subject cervid is maintained in captivity or driving directions to the premises if there is no street address where each subject cervid is maintained.

iii. Structure of the organization or operation, such as, corporation, limited liability corporation, S corporation, partnership, limited partnership, individual/sole proprietor, or other business structure, along with the name of the cervid operation, including any fictitious name (if applicable).

iv. The Cervidae Livestock Operation license number (where applicable).

v. The premises identification number (where one has been assigned).

vi. Number of cervids maintained on the premises, by species.

vii. All official and unofficial identification (as described in Subsection 9.j.) (related to identification of subject animals), sex and date of birth of each subject cervid.

viii. The date of acquisition and source, including contact information (name and complete address, as well as telephone number and where available email address), of each subject cervid that was not born into the herd.

ix. A listing of and the date of birth of any cervid that was born on the premises, as well as, any official or unofficial identification (as described in Subsection 9.j.) (related to identification of subject animals) that was attached to that cervid.

x. The location at which the records required under the Herd Certification Program shall be maintained and made available for inspection by the Department.

b. *CWD Herd Monitoring Program.* The program enrollment form for the CWD Herd Monitoring Program shall require the following information

i. Mailing address and contact information to include the name, address, telephone number and where applicable, the e-mail address of each person who owns or maintains an ownership interest in the operation or business and in each subject farmed or captive cervid. Where the operation or business is other than a sole proprietorship, the name, title and ownership interest of each person who is part of the business structure or involved in the operation or business shall be set forth, along with the names of any hired managers.

ii. Physical address of premises, which shall be the physical address of the premises on which the captive cervids are located and shall be a street address (P. O. Boxes will not be accepted) at which each subject cervid is maintained in captivity or driving directions to the premises if there is no street address where each subject cervid is maintained.

iii. Structure of the organization or operation, such as, corporation, limited liability corporation, S corporation, partnership, limited partnership, individual/sole proprietor, or other business structure, along with the name of the cervid operation, including any fictitious name (if applicable).

iv. The Cervidae Livestock Operation license number (where applicable).

v. The premises identification number (where one has been assigned).

vi. The number of each species of farmed or captive CWD-susceptible cervid on the premises. An estimate may be provided if the exact number cannot be determined.

vii. The date of acquisition and source of each subject cervid, including contact information (name and complete address, as well as telephone number and where available email address), including any form of identification on the subject cervid, that was not born into the herd.

viii. The location at which the records required under the Herd Monitoring Program shall be maintained and made available for inspection by the Department.

8. *Delivering the Program Enrollment Form.* A person required to file a program enrollment form under this General Quarantine Order shall deliver the completed signed form to the Department by faxing it to (717) 787-1868, or mailing or delivering it to the address set forth in Subsection 6.b. (related to obtaining a program enrollment form). Any changes to the information re-

quired by Subsection 7.a.i., ii., iii., iv., v. and x. or Subsection 7.b.i., ii., iii., iv., v. and viii. (related to contents of the program enrollment forms) shall be reported to the Department, in writing, within 30 days of such change occurring.

9. *CWD Herd Certification Program.*

a. *Program established.* The Chronic Wasting Disease Herd Certification Program (Herd Certification Program), as established by the August 19, 2006, General Quarantine Order; Chronic Wasting Disease Program, published at 36 Pa.B. 4612 (August 19, 2006) and amended by the February 4, 2011, General Quarantine Order; Chronic Wasting Disease Program, published at 41 Pa.B. 727 (February 5, 2011) and the October 19, 2013, General Quarantine Order; Chronic Wasting Disease Program Requirements for Herd Certification Program and Herd Monitoring Program, published at 43 Pa.B. 6218 (October 19, 2013) is hereby continued and modified by this General Quarantine Order in the manner established herein.

b. *Voluntary Program.* Enrollment in the CWD Herd Certification Program is purely voluntary for those with CWD susceptible species. The CWD Herd Certification Program establishes criteria which are more stringent than those required by the mandatory CWD Herd Monitoring Program. A participant voluntarily enrolling in the CWD Herd Certification Program shall be required to meet all of the criteria established thereunder or the Department, at its sole discretion, may:

i. Reduce or roll-back the program participant's "Herd Status" to a previous year or to "First Year Status"; or

ii. Remove the program participant from the CWD Herd Certification Program and place the program participant in the CWD Herd Monitoring Program.

c. *Status of Herd.* The Herd Certification Program is a 5-year process by which a herd of farmed or captive CWD-susceptible cervids may achieve "Fully Certified Status." The Department shall record the date of enrollment of a particular herd of farmed or captive CWD-susceptible cervids in the Herd Certification Program. The status of that enrolled herd shall be determined in the following manner:

i. *First Year "HC-1" Status.* A designation of "HC-1" shall be assigned to a herd of cervids enrolled in the Herd Certification Program for the first twelve (12) months from the date of enrollment of that herd of cervids in the Herd Certification Program. Only those cervids listed on the program participant's enrollment form and which have been verified through inspection, as set forth in Subsection 9.o. (related to department inspections) or a whole herd visual or hands-on inventory verification as set forth in Subsection 9.n. (related to whole herd visual or hands-on inventory verification) of this General Quarantine Order to bear the approved forms of identification shall be assigned a "HC-1" status. Failure to maintain compliance with all of the provisions of the Herd Certification Program may result in removal of the herd from the voluntary Herd Certification Program and placement into the mandatory Herd Monitoring Program, the imposition of civil or criminal penalties as allowed under Section 2383 of the Domestic Animal Law (3 Pa.C.S.A. § 2383) or any other equitable action established thereunder or any combination thereof.

ii. *Subsequent Year Status.* On the anniversary date of enrollment in each year following that date of initial enrollment the status of the program participant's herd may be upgraded by one year. The upgrade shall only

occur if the program participant has maintained compliance and is currently in compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order. The status of each subsequent twelve month period from the program participant's anniversary date, until reaching "Fully Certified" status, shall be designated as follows:

A. For months 13-24 the designation of "HC-2" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

B. For months 25-36 the designation of "HC-3" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

C. For months 37-48 the designation of "HC-4" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

D. For the months 49-60 the designation of "HC-5" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

E. Upon reaching 60 months from the initial anniversary date of the program participant, the designation of "Fully Certified" shall be assigned to a herd that has maintained compliance with all of the requirements of the Herd Certification Program and the General Quarantine Order.

iii. *Fully Certified Status.* On the anniversary date of the fifth year after the initial anniversary date (that is, after 5 consecutive years of program participation and compliance have been completed), the status of the program participant's herd may be upgraded to "Fully Certified." The upgrade shall only occur if the program participant is in compliance with and has remained in compliance with all of the requirements of the CWD Herd Certification Program and the General Quarantine Order. The subject herd shall be classified as "Fully Certified" so long as the herd remains CWD-free and continues to maintain compliance with all provisions of the Herd Certification Program and this General Quarantine Order.

iv. *Previously Enrolled Herds.* The status of herds enrolled in the CWD Herd Certification Program under the February 4, 2011 Order of General Quarantine which are in compliance with that Order as of the effective date of this General Quarantine Order will maintain their existing certification status under this Order of General Quarantine if they elect to enroll in and agree to comply with the provisions of the CWD Herd Certification Program established under this Order of General Quarantine. If the program participant elects to withdraw his herd from the CWD Herd Certification Program, he shall enroll the herd in the CWD Herd Monitoring Program. Thereafter, any subsequent enrollment of the herd in the CWD Herd Certification Program shall result in the herd being assigned "First Year Status" and the 5-year process required to attain "Fully Certified" status shall begin again.

v. *New herd assembled from current Herd Certification Program participants.* If the herd is composed solely of animals obtained from herds already enrolled in the Program, the newly assembled herd will have the same status as the lowest status of any herd that provided animals for the new herd.

d. *Duty to Report Suspects and Dead Cervids and Dead Cervids found in an advanced state of decomposition.* The program participant, the owner of a herd of farmed or captive CWD-susceptible cervids and any caretaker of that herd shall report any suspect cervid, dead cervid or dead cervid found in an advanced state of decomposition as set forth herein. Failure to comply with any of the provisions of this subsection including, failure to report a suspect cervid, the death of a cervid within the time periods set forth herein or the discarding, removal or disposal of carcasses, parts, offal or tissues in a manner which is inconsistent with the provisions of this subsection or without the required verifications shall constitute a violation of this General Quarantine Order.

i. *Suspect Cervid*—Any cervid that shows signs that are consistent with CWD (such as staggering, drooling, wasting or unusual behavior) shall be immediately reported to the designated regional office of the Bureau of Animal Health in the Pennsylvania Department of Agriculture. The suspect cervid shall not be removed from the premises of the program participant until such time as the Department has been able to assess the animal and issue an order or guidance with regard to the holding, harvesting, testing and removal of such animal. Failure to immediately report a suspect cervid or abide by the removal provisions of this section shall constitute a violation of this General Quarantine Order.

ii. *Dead cervid*—Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, the program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. Record the death and include the animal as part of the Ongoing Annual Recordkeeping Requirements, established by Subsection 9.k. of this Order of General Quarantine.

B. Record the death and include the animal as part of the Ongoing Movement of Cervids Recordkeeping and Reporting Requirements, established by Subsection 9.l. of this Order of General Quarantine. Such information shall be reported within ten (10) business days of discovery of the death, on forms developed, approved and provided by the Department and shall set forth that information required by subparagraph 9.l.ix. of this Order of General Quarantine.

C. Have the dead cervid tested. The entire carcass, head or tissue samples from the carcass shall be transported for testing in accordance with the requirements of Subsections 9.f. or 9.g. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects, and testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, of this General Quarantine Order.

iii. *Dead cervid found in an advanced state of decomposition*—Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, in an advanced state of decomposition, the program participant, owner or caretaker shall report this death to the designated regional office of the Department within 48 hours. The program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. The dead cervid, including all parts and offal, shall not be removed from the premises of the program participant, except that the entire carcass or head of the carcass may be transported for testing as set forth in Subsection 9.f.i. (related to mandatory testing for farmed or captive

CWD-susceptible cervids designated as CWD suspects) of this General Quarantine Order or tissue samples may be collected and sent for testing as set forth at Subsection 9.f.ii. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) of this General Quarantine Order.

B. Where only the head or tissue samples are sent for testing, the carcass, parts and offal of the dead cervid shall not be removed from the premises of the program participant until test results have been received or a determination made that the carcass is untestable and shall only be disposed of in a manner approved by and set forth in writing by the Department.

C. Dead cervid carcasses considered to be untestable by the program participant or owner shall be verified as such by a Department or a USDA, APHIS representative prior to removal or disposal of such carcass, parts and offal. The Department or USDA, APHIS representative may determine that the entire carcass shall be collected and moved directly to a laboratory for collection and potential testing.

iv. *Failure to abide by the requirements of this Subsection d.* (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition) shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) and the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program.

e. *Mandatory Testing.* A program participant with a herd that is enrolled in the Herd Certification Program shall be responsible to ensure that a farmed or captive CWD-susceptible cervid is tested in accordance with Subsection 9.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) or 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, if any of the following occur after the date of enrollment in the Herd Certification Program:

i. The cervid shows signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD and the cervid dies or is killed.

ii. The cervid is 12 months of age or older and is sent to a slaughter facility.

iii. The cervid is 12 months of age or older and dies for any reason (including accident, natural causes, slaughter, harvesting, hunting, culling or any other cause).

f. *Mandatory Testing for Farmed or Captive CWD-Susceptible Cervids designated as CWD Suspects.* If a dead farmed or captive CWD-susceptible cervid is required to be tested because it showed signs (such as staggering, drooling, wasting or unusual behavior) that are consistent with CWD before it died or was killed, as described in Subsection 9.e.i. (related to mandatory testing), it shall be tested according to either of the following procedures:

i. A person shall immediately notify the Department of the dead CWD-susceptible cervid and do the following:

A. Collect either the entire carcass of the cervid or the entire head of the cervid with official identification devices attached in situ.

B. Deliver the carcass or head with official identification devices attached in situ for CWD testing. The

properly completed chain of custody forms and sample submission forms required under Subsection 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head. The carcass or head shall bear a proper form of identification and be delivered within 72 hours of the cervid's death to either a Department laboratory or to a laboratory that has been approved in advance by the Department or USDA or both, to perform CWD testing. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department in determining herd certification status and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) as well as the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program.

ii. As an alternative to the CWD testing procedure described in paragraph (i), the following procedure shall be followed:

A. Tissue samples shall be collected by one of the following:

I. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

II. An authorized State official. A Department-certified CWD Sampling Technician does not meet the requirements of this subparagraph.

III. An authorized Federal official.

B. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

C. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

D. The tissue samples shall be delivered within 72 hours of the cervid's death to the Pennsylvania Veterinary Laboratory or to a laboratory that has been approved in advance by the Department or USDA or both, for CWD testing. It is the owner's responsibility to report the death within a time frame that allows for collection and preservation of the tissue samples within 72 hours of the cervid's death as required by Subsection B. above and protect the carcass from further degradation until tissue samples can be collected.

E. Properly completed chain of custody forms and sample submission forms as required under Subsection 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the tissue samples.

g. *Testing Protocol for Other Farmed or Captive CWD-Susceptible Cervids.* If a farmed or captive CWD-susceptible cervid does not exhibit signs (as described in Subsection 9.d.i. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition)) that are consistent with CWD, and is required to be tested because it is 12 months of age or older and was either sent to a slaughter facility or died for any reason, as described in Subsections 9.e.ii. and 9.e.iii. (related to mandatory testing), the Department shall be notified by the program participant, who shall



send the Department records setting forth the official identification of each farmed or captive CWD-susceptible cervid that was sent to slaughter or died for any reason set forth in Subsection 9.e.ii. and 9.e.iii. (related to mandatory testing), along with the name and address of the slaughter facility where each animal was slaughtered or the name and address of the place where the animal died or was harvested and the cause of death as required under Subsection 9.k. and 9.l. (related to ongoing annual recordkeeping requirements and ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order. In such cases, each farmed or captive CWD-susceptible cervid shall be tested according to the following procedures:

i. Tissue samples shall be collected by one of the following:

A. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

B. An authorized State official.

C. An authorized Federal official.

D. A Department-certified CWD Sampling Technician.

ii. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

iii. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

iv. Properly completed chain of custody forms and sample submission forms as required under Subsection 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the tissue samples.

v. The tissue samples shall, within 30 days of collection, be delivered to the Pennsylvania Veterinary Laboratory or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

vi. As an alternative to the testing protocol described in paragraphs i, ii, iii, iv and v of this Subsection 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), the following protocols shall be followed:

A. Within 72 hours of the cervid's death, collect and deliver either the entire carcass of the cervid with official identification devices attached in situ or the entire head of the cervid with official identification devices attached in situ to a Department laboratory for CWD testing, or to a laboratory that has been approved in advance by the Department or USDA or both to perform CWD testing.

B. The program participant/herd owner shall be responsible for properly identifying the cervid carcass or head and delivering it in a manner that does not destroy or make the animal untestable.

C. The person who delivers the carcass or head need not be an approved tissue collector as described in Subsection 9.g.i. (related to testing protocol for other farmed or captive CWD-susceptible cervids).

D. The name, address and signature of the person collecting, or the person in possession of the carcass, and the person delivering the carcass or head shall be set forth in writing and such writing shall be attached to the

chain of custody forms and sample submission forms required by this General Quarantine Order.

E. The properly completed chain of custody forms and sample submission forms required under Subsection 9.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head.

F. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department in determining herd certification status and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386), as well as the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program.

*h. Impact of Late Notice, Delivery or Untestable Samples on Enrollment Status.*

i. It is the program participant/herd owner's responsibility to assure good quality tissue is submitted for testing and ensure that all required samples are collected properly and in a timely manner as required by Subsections 9.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) of this General Quarantine Order. All required tissues shall be collected regardless of sample condition (e.g. autolyzed or frozen). In cases where sample quality is poor, the Department shall be notified and a determination made on samples to be submitted.

ii. Failure to abide by the requirements of this section shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) and the reduction of Herd Certification Program status or cancellation of program enrollment and placement in the mandatory Herd Monitoring Program. Where the history of sample collections and submissions from the program participant/herd owner demonstrates a pattern of lack of submission of required samples, untimely submission of samples or poor performance including incorrect tissues submitted, poor tissue quality, or non-compliance with the provisions and requirements of Subsections 9.e. (related to mandatory testing), 9.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 9.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) of this General Quarantine Order, the Department may seek such additional remedies, including injunctive relief as is allowed under the Domestic Animal Law. Adherence to the 72-hour deadlines established in Subsections 9.f.i.B, f.ii.B, f.ii.D. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and g.ii. and g.vi.A. (related to testing protocol for other farmed or captive CWD-susceptible cervids) will be considered a mitigating factor by the Department in any reevaluation of herd status.

*i. Chain of Custody of Samples; Submission of Samples.* A person may obtain chain of custody forms and sample submission forms from the Department by submitting a written request for such forms or by downloading the forms from the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

i. A person submitting a sample (whether tissue samples, an entire carcass or an entire head) for testing under the Herd Certification Program shall complete a chain of custody form and a sample submission form, and shall submit those forms along with the sample that is delivered for testing.

ii. The chain of custody form shall clearly identify the premises, including the address of the premises and the name and signature of the herd owner, on which the cervid resided and from which it was taken, official identification of the cervid, the date of sampling, and the persons (in chronological order) who handled the sample from the point it was taken until it is delivered to the Pennsylvania Veterinary Laboratory or a Department-approved laboratory or a USDA-approved laboratory for CWD testing.

iii. The chain of custody form shall bear the signature, printed name and other identifying information with respect to each person who handles the sample.

iv. The completed chain of custody form and the sample submission form shall be provided to a responsible person at the laboratory to which the sample is delivered.

j. *Identification of Subject Animals.* Each farmed or captive CWD-susceptible cervid that is within a herd enrolled in the Herd Certification Program and is either 12 months of age or older or is transported alive from the enrolled premises, regardless of its age at the time of movement, shall have at least two forms of the Department and USDA, APHIS-approved animal identification attached. One form of identification shall be official. In accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate," official identification shall not be removed from animals. If the other form of identification is not official, it shall be unique to the animal on the enrolled premises. Other forms of secondary identification in addition to being unique to the animal in the herd, must be permanent and tamper-resistant. If duplicate (non-unique to the animal in the herd) secondary identification occurs, that duplication shall be resolved, corrected in the inventory paperwork, and promptly reported to the Department. Forms of identification that are Department-approved and USDA, APHIS-approved, "official" forms of identification for purposes of this provision include the following:

i. A legible and unique tattoo approved by the Department and USDA, APHIS.

ii. A USDA, APHIS-issued ear tag, bearing a unique number provided by USDA, APHIS that utilizes one of the following numbering systems:

A. The National Uniform Eartagging System (NUES).

B. The Animal Identification Number (AIN) bearing 15 digits starting with '840.'

C. The premises-based numbering system using a Premises Identification Number (PIN) in conjunction with a livestock production numbering system.

D. Any other numbering system approved by USDA, APHIS and the state veterinarian.

iii. An electronic implant device, such as a microchip that utilizes a nationally unique 15 digit animal identification number starting with '840' provided an appropriate reader is immediately available wherever the animal is located.

iv. Any other identification device approved by the Department and USDA, APHIS.

k. *Ongoing Annual Recordkeeping Requirements.* A program participant with a herd that is enrolled in the Herd Certification Program shall maintain up-to-date herd inventory records with respect to the subject herd for a period of 5 years and shall make these records available for inspection by the Department upon request. The original record forms, once completed are to be submitted by the last day of the month comprising the program participant's anniversary date to the Department's headquarters in Harrisburg by mail, attached to an email or faxed. The participant must keep copies of all the submitted forms if the original forms have been submitted by mail or keep the original completed forms, when records are submitted electronically, for a period of 5 years and make them available upon request by Department officials. If the Department identifies discrepancies with the submitted records, a complete set of these records forms and incomplete forms shall be returned to the program participant with a deadline for completion. Each year the program participant shall provide a current, updated annual inventory report to the Department. The anniversary date for each current certified herd program participant shall remain the same as under the previous quarantine order, unless the program participant submits a request in writing to the Department to change the anniversary date. New certified herd program participant's anniversary dates shall be determined by the date of their initial enrollment in the program. Any anniversary date change will be at the Department's discretion. The annual inventory reports shall be kept and filed on forms developed, approved and provided by the Department. Such forms will be made available on the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)) and will be available in paper form for those program participants that do not have internet access. The program participant shall be required to complete all fields on the recordkeeping forms. These records shall include the following information with respect to each subject cervid:

i. Official identification placed, as previously described in Subsection 9.j. (related to identification of subject animals) for each cervid in the enrolled herd.

ii. Either the second official identification in accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate" or the unofficial identification that is unique to the animal on the enrolled premises, as previously described in Subsection 9.j. (related to identification of subject animals).

iii. The sex, date of birth and species of the subject cervid.

iv. The date of departure and the destination, of any subject cervid removed from the herd since the last anniversary date. Such records shall include all of the following information:

A. The contact information (name, complete address, telephone number and when available, email address) of the person to whom the cervid was sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred.

B. The contact information (name, complete address, telephone number and where applicable, Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number or both where both types of licenses are held) of any dealer, hauler or broker or Pennsylvania cervid livestock operation utilized in such transaction. The license expiration date shall also be included.

C. The date of death and cause of death (if known) of any subject cervid that dies and the CWD test result for that animal.

D. The corresponding official identification and either the second official identification or the unofficial identification that is unique to the animal, as set forth in Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order, for each such animal removed from the herd.

v. If the subject cervid is new to the herd since the anniversary date designation of whether the subject was born to the herd or acquired from outside the herd. Those animals born to the herd, less than 12 months of age, and without any identification shall be counted and listed by number and gender. For example, four buck fawns and three doe fawns born in 2014. If the subject cervid was acquired from outside the herd the following information shall be provided:

A. The source of the subject cervid including contact information (name, complete address, telephone number, and when available, email address) of the source herd.

B. The date of acquisition.

C. Where a Pennsylvania dealer, hauler, or broker or a Pennsylvania cervid livestock operation was involved in the transaction, the name, complete address, telephone number and Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number or both where both types of licenses are held of such dealer, hauler, broker or Pennsylvania cervid livestock operation. The license expiration date shall also be included.

D. The corresponding official identification and either the second official identification or the unofficial identification that is unique to the animal, as set forth in Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order, for each such animal acquired from outside the herd.

1. *Ongoing Movement of Cervids Recordkeeping and Reporting Requirements.* A program participant shall report any and all movements of CWD susceptible species of cervids onto and off of the premises (i.e. additions and deletions to the herd). Such reports shall:

i. Be filed on an ongoing basis with the Department and shall be filed within ten (10) business days of the movement of a CWD susceptible species of cervid onto or off of the program participant's premises.

ii. Be on forms developed, approved and provided by the Department.

iii. Be complete and shall contain all of the information requested by the Department.

iv. Set forth the type of transaction, which included sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred and whether such transaction transferred ownership or mere possession of the cervid(s).

v. Set forth the reasons for the movement, including to a slaughter facility; movement to or from another Pennsylvania program participant, movement to or from a separately enrolled premises of the same Pennsylvania program participant; movement to or from an out of state person or any other reason for movement of the cervid(s) on to or off of the program participant's property.

vi. With regard to both the premises of origin and the premises of destination, include, at a minimum, the following information:

A. The program participant's name and mailing address, which shall match that which was provided on the program participant's enrollment forms.

B. The fictitious name (if applicable) of the program participant's cervid businesses, which shall match those which were provided on the program participant's enrollment forms.

C. The Pennsylvania premises identification number of the program participant's property (where applicable), which shall match that which was provided on the program participant's enrollment forms.

D. The address and physical location of the property to which the CWD susceptible species of cervid(s) were added and the address and physical location of the property from which the CWD susceptible species were deleted. Post office box addresses shall not be acceptable. Where the property is that of a Pennsylvania program participant, the Pennsylvania premises identification number shall be set forth.

E. Where the premises of origin or premises of destination is out of state, the name, address of the person and entity from which the cervid(s) was purchased or acquired or to which the cervid was sold or transferred; a copy of the certificate of veterinary inspection (CVI) accompanying each cervid; and a copy of the bill of sale or purchase; and the bill of lading. The address of the person from which the cervid(s) was purchased or acquired or to which the cervid was sold or transferred shall be a physical address and a post office box address shall not be acceptable.

F. Where the premises of destination is a slaughter facility, the name and address of the slaughter facility shall be set forth and a copy of the bill of sale and bill of lading shall be attached.

vii. Where a dealer, broker or hauler was utilized, include the name, address and contact information of the broker, hauler and dealer. Where such dealer, hauler or broker was a Pennsylvania dealer, hauler or broker, the Pennsylvania Dealer/Hauler license number and license expiration date shall be set forth. The address shall be a physical address and a post office box address shall not be acceptable.

viii. The address and property owners name of any premises, other than the final premises of destination, to which the CWD susceptible species of deer were shipped or on which they were housed, held or stopped-over prior to reaching the final premises of destination. The address shall be a physical address and a post office box address shall not be acceptable.

ix. For each cervid include the following information:

A. The official identification of each subject animal meeting the requirements of Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order.

B. Either the second official identification in accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate" or the unofficial identification that is unique to the animal on the enrolled premises, as previously described in Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order.

C. The sex, date of birth and species of the subject cervid.

D. The date of departure from the premises of origin of each cervid and the date of arrival at the final premises

destination of each cervid. Locations where the cervid(s) were transferred, off loaded, held or otherwise stopped over at a destination that was not the final premises destination, the date of arrival and date of departure of each cervid from that destination.

x. For each cervid or herd of cervids moved, the herd certification status, as set forth in Subsection 9.c. (related to status of herd), of each cervid herd, from which each cervid was purchased, to which each cervid was shipped and the herd certification status of any person, entity or herd at which the cervid or herd of cervids was stopped-over or unloaded. Such information shall include the information for each person or entity as is required by paragraphs vi., vii. and viii. of this Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

A. Where the cervid herd or individual cervid is not from a certified herd, the appropriate status, such as monitored, shall still be set forth. Such information shall include the information for each person or entity as is required by paragraphs vi., vii. and viii. of this Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

B. Where the cervid herd or individual cervid is from an out-of-state herd the certification status assigned to the cervid(s) by the state of origin shall be set forth. Such information shall include the information for each person or entity as is required by paragraphs vi., vii. and viii. of this Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

m. *Ongoing Reporting Requirement regarding Theft or Escape of CWD-Susceptible Cervids from an Enrolled Herd or Wild CWD-Susceptible Cervids entering an Enrolled Herd.*

i. Theft or escape—A program participant shall report to the designated Department's regional office within 48 hours the removal of any farmed or captive CWD-susceptible cervid from the enrolled herd through theft or escape. The program participant shall file a signed, written report of theft or escape of a cervid with the designated Department's regional office within ten (10) business days of the theft or escape either by mail, fax or email. The signed written report shall set forth the date of such theft or escape, the cause of such escape or perpetrator of such theft if known, a copy of the police report if theft was involved and shall clearly identify each cervid, including setting forth the official identification of each cervid, that escaped or was stolen.

ii. Breach by a wild CWD susceptible cervid—A program participant shall report to the designated regional office within 48 hours if a wild CWD-susceptible cervid or any other CWD-susceptible cervid gains entrance into the enrolled herd. The program participant shall file a signed, written report with the designated Department's regional office within ten (10) business days of the incident. Such report shall be filed either by mail, fax, or email. The signed written report shall set forth the date on which the wild CWD-susceptible cervid or any other CWD-susceptible cervid gained entrance and any action taken by the program participant, including the date on which the wild CWD susceptible cervid or any other CWD-susceptible cervid was removed from the enclosure, the method of removal, the cause of incident, such as a break in the fence or a gate left open and any action taken to prevent the ingress of wild CWD susceptible cervids or any other CWD-susceptible cervid from occurring again.

iii. Exception—This reporting requirement is not applicable to additions to a herd as described in Subsection 9.q. (related to additions to the herd).

iv. Failure to report—Failure to report theft, escapes, or ingress of wild cervids within prescribed deadlines shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386) and loss of program enrollment and placement in the Herd Monitoring Program.

n. *Whole herd visual or hands-on inventory verification.* Whole herd inventories, either on a yearly basis (visual inventory) or every three years (hands-on inventory) as set forth specifically below, shall be required and shall be carried out by an Accredited Category II Veterinarian, at the program participant's expense.

i. Whole herd inventories shall be done by either visual or hands-on verification, as set forth in paragraphs iii. and iv. of this Subsection 9.n. (related to whole herd visual or hands-on inventory verification). Whole herd inventories shall be reported on forms provided by the Department. It shall be the responsibility of the program participant to ensure all such forms are properly completed, signed, and mailed to the Department by the due date established in this General Quarantine Order.

ii. Whole herd inventories shall be required for all certified herd program participants. Whole herd inventories shall be conducted and performed by Accredited Category II veterinarians as set forth in paragraphs iii, iv and v. of this Subsection 9.n. (related to whole herd visual or hands-on inventory verification). Herd Certification Program participants shall have either a whole herd visual herd inventory performed each year, as set forth in paragraph iv. (related to whole herd visual herd inventory verification) of this Subsection 9.n. or a whole herd hands-on inventory verification performed every three years, as set forth in paragraph v. (related to whole herd hands-on inventory verification) of this Subsection 9.n..

iii. Inventory verification required. A visual or hands-on herd inventory by an Accredited Category II veterinarian shall be required for new program participants by the last day of the month comprising the program participant's anniversary date as selected by the new program participant, at the discretion of the Department. Current Herd Certification Program participants shall be required to have a visual or hands-on herd inventory completed by an Accredited Category II veterinarian by the last day of the month comprising the program participant's anniversary date as selected by the owner/program participant. In all cases the owner/program participant shall be responsible for assembling, handling, and restraining the animals and for all costs incurred to complete the visual or hands-on herd inventory. The owner/program participant shall be responsible for resolving any herd inventory discrepancies within a timeframe acceptable to USDA, APHIS, VS and the Department.

iv. Whole herd visual herd inventory verification. Herd inventories shall be visually verified at least every 12 months and shall be due to the Department by the last day of the month comprising the program participant's anniversary date. The whole herd visual herd inventory report shall be sent to the Department's headquarters in Harrisburg, Pennsylvania and may be sent via mail, email or fax. However, additional inventory verifications may be performed at the discretion of the Department.

Accredited Category II veterinarians are approved to and shall be utilized to perform annual visual herd inventory verification. Those animals 12 months of age and older shall be bearing approved animal identification ear tags meeting the criteria of Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order of which, at least, one form is visible and legible from a distance, within a pen or other suitable enclosure.

A. Where visual verification of the entire herd inventory is not possible, such as where an animal is not bearing a form of approved animal identification that can be visually inspected, the unidentified animal or animals shall be individually restrained for examination or a hands-on inventory of the entire herd shall be conducted. This process shall be completed in a timeframe acceptable to the Department or USDA APHIS.

B. The owner/program participant shall be responsible for assembling or restraining the herd in a manner that will allow the Accredited Category II veterinarian conducting the inventory to confirm the identification of each animal through inspection of one of the two forms of the Department and USDA, APHIS-approved animal identification meeting the criteria established by Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order. A Department or USDA APHIS employee or agent shall have the authority to require the owner/program participant to assemble and restrain the herd for purposes of inventory verification or other compliance issues.

C. A hands-on inventory may require physical restraint of individual animals in chutes or chemical restraint methods which shall be done by and provided by the owner/program participant.

D. Those animals less than 12 months of age, without any identification shall be counted and listed by number and gender. For example, four buck fawns and three doe fawns born in 2014.

v. Whole herd hands-on inventory verification. A whole herd hands-on inventory verification for all Herd Certification Program participants who do not participate in the whole herd annual visual inventory verification option shall be required and performed at no greater than three year intervals, by the last day of the month comprising the program participant's anniversary date, by a USDA APHIS Category II accredited veterinarian. Such inventory verification reports shall be due to the Department by the last day of the month comprising the program participant's anniversary date in the year in which the hands-on inventory is performed. The whole herd hands-on inventory report shall be sent to the Department's headquarters in Harrisburg, Pennsylvania and may be sent via mail, email or fax. The owner or participant may elect to change the anniversary date for the Herd Certification Program, at the Department's discretion.

A. The owner/program participant shall be responsible for assembling and restraining all the animals in a manner that will allow the Accredited Category II veterinarian conducting the inventory to confirm the identification of such animal through inspection of all forms of the Department and USDA, APHIS-approved animal identification meeting the criteria established by Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order of those animals 12 months of age and older. A Department or USDA APHIS employee or agent shall have the authority to require the owner/

program participant to assemble and restrain all animals in the herd for purposes of inventory verification or other compliance issues.

B. Those animals less than 12 months of age, without any identification shall be counted and listed by number and gender. For example, four buck fawns and three doe fawns born in 2014.

C. A hands-on inventory may require physical restraint of individual animals in chutes or chemical restraint methods which shall be done by and provided by the owner/program participant.

vi. Reconciliation of herd inventory. All herd inventories verified through either visual or hands-on verification during inventories conducted by a USDA APHIS Category II accredited veterinarian shall be reconciled with written inventories, including respective official identification, required to be kept by the owner/program participant under Subsections 9.k. (related to ongoing annual recordkeeping requirements) and 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

A. The reconciliation of herd inventories done through visual or hands-on verification and the owner/program participant's required written inventory records and reports shall be the duty of the owner/program participant.

B. A discrepancy in herd inventories done through visual or hands-on verification and the owner/program participant's written inventory records and reports shall be prima facie evidence of a violation of the recordkeeping provisions of this General Quarantine Order.

C. If duplicate (non-unique to the animal in the herd) secondary identification is observed during inventories conducted by a USDA APHIS Category II accredited veterinarian that duplication shall be resolved within a time frame acceptable to the Department.

vii. Whole herd inventory noncompliance—Failure to comply with the provisions of this Subsection 9.n. (related to whole herd visual or hands-on inventory verification) shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

*o. Department Inspections.* The Department or its agents acting under the authority and direction of the Department will, at least once per calendar year and as many times as may be necessary to assure compliance with this General Quarantine Order or in response to complaints, inspect the premises upon which an enrolled herd of farmed or captive CWD-susceptible cervids is maintained. The Department may conduct additional inspections at reasonable times. Inspections may include records review, herd inventory with individual animal identification (ID), inspecting fences to assure compliance with the height, maintenance and ingress and egress provisions of Subsection 9.p (related to fencing) and other measures within the scope of authority of the Department and necessary to determine compliance with the Herd Certification Program and this General Quarantine Order.

i. Independent Inspections. Department inspections are separate and apart from the requirements of Subsection 9.n. (related to whole herd visual or hands-on inventory verification) and shall not be construed to meet the requirements thereof. Department inspections shall not constitute and shall not be done as a substitute for whole

herd visual or hands-on inventory verification required by Subsection 9.n. of this General Quarantine Order.

ii. Interference with officer or employee of the department. As established at section 2385 of the Domestic Animal Law (3 Pa.C.S.A. § 2385), a person who willfully or intentionally interferes with an employee or officer of the department in the performance of duties or activities authorized under the Domestic Animal Law, which includes this General Quarantine Order, commits a misdemeanor of the third degree and shall, upon conviction, be subject to a term of imprisonment of not more than one year or a fine of not more than \$2,500, or both.

p. *Fencing*. A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program shall be maintained so as to prevent ingress and egress of cervids. Fence height shall be a minimum of 8 feet, although a 10-foot height is recommended.

q. *Additions to the Herd*. The following requirements apply regardless of the period of time the cervid is in the herd (Example: when a buck is moved to an enrolled herd for breeding season). The addition of a CWD-susceptible cervid to a herd enrolled in the Herd Certification Program shall be done in accordance with all of the following requirements:

i. The addition of each cervid shall be documented consistent with and in the manner required by Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) and shall be set forth in the annual report required by Subsection 9.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

ii. No CWD-susceptible cervid may be added to a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program unless the CWD-susceptible cervid to be added originates from that herd or a herd that is also enrolled in and in good standing in the Pennsylvania Herd Certification Program.

iii. The added CWD-susceptible cervid shall be from a herd of an equal or greater certification status, as established in Subsection 9.c. (related to status of herd).

iv. Cervids sourced from out-of state herds must originate from fully certified (five year status) herds as required by 9 CFR Part 81 of the Code of Federal Regulations.

v. CWD-susceptible cervids shipped interstate or intrastate shall not be stopped over at or exposed to any cervid operation that does not meet the requirements set forth in this subsection or that is not in compliance with this General Quarantine Order.

A. Where a CWD-susceptible cervid is stopped over or unloaded at another premises on which CWD-susceptible cervids are kept or otherwise exposed to other CWD-susceptible cervids, those CWD-susceptible cervids shall be from a herd of equal certification status.

B. Where the stop over premises maintains CWD-susceptible cervids of a lower certification status, the incoming CWD-susceptible cervid(s) certification status shall be lowered to at least the certification status of the herd maintained on the stop over premises.

C. Where the stop over premises is within the Commonwealth and has a certification status greater than that of the CWD-susceptible species stopped over or unloaded at that premises, the certification status of the CWD-susceptible species maintained at the stop over

premises shall be reduced to at least the certification status of the stopped over or incoming CWD-susceptible cervids.

vi. Failure to comply with the intrastate movement requirements shall result in adjustment of the herd certification status of the receiving program participant. The herd certification status shall be reduced to the herd certification status of the incoming cervid(s) or a lower status or the receiving program participant's herd being removed from the voluntary herd certification program and placed in the mandatory herd monitoring program.

vii. Failure to comply with interstate movement requirements shall result in removal from the voluntary Herd Certification Program and placement in the mandatory Herd Monitoring Program.

viii. A violation of any of the provisions of this Subsection 9.q (related to additions to the herd) may also result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

r. *Usage of semen, embryos, germ plasm, urine, and other cervid by-products*. Semen, embryos, germ plasm, urine and other cervid by-products may be used in a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program if the following are met:

i. The donor animal is from a herd of equal or greater herd status as the destination herd. The source herd shall not have a CWD-positive animal, a CWD-suspect animal or a CWD-exposed animal at time of collection of the cervid by-product. The source herd shall not have CWD identified within the 60 months prior to collection.

ii. Out-of-state donor animals shall meet the same Tuberculosis and Brucellosis testing requirements as would be applicable if the donor animal, itself, was being imported.

iii. Records shall be maintained for 5 years from the date of receipt by the seller and buyer including (as applicable) collection date, animal identification, including the official identification number, with respect to the cervid from which the cervid by-product was collected, animal identification, including the official identification number, with respect to the cervid that received the cervid by-product, date of sale, the CWD status of the source premises, and both buyer and seller name, address and telephone number. If a donor animal is from outside this Commonwealth, records of negative Tuberculosis and Brucellosis testing shall also be maintained. Records shall demonstrate that semen, embryos, urine and other cervid by-products from CWD-positive, CWD-suspect, CWD-exposed, and CWD quarantined herds have been destroyed, including the date and method of destruction.

s. *Intrastate Movement of Enrolled Cervids*. Farmed or captive CWD-susceptible cervids that are enrolled under the Herd Certification Program may be moved intrastate only if all of the following requirements are fulfilled:

i. The cervid shall only be sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred to a person or entity that is currently enrolled in either the CWD herd certification or CWD herd monitoring program established by this General Quarantine Order.

ii. The identification requirements delineated in Subsection 9.j. (related to identification of subject animals) of this General Quarantine Order are followed and obeyed.

iii. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 9.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

iv. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 9.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

v. The herd addition requirements established under Subsection 9.q. (related to additions to the herd) of this General Quarantine Order are followed and obeyed.

vi. A cervid enrolled under the Herd Certification Program shall not be moved back onto a certified herd property, if that cervid has entered onto the premises of a monitored herd or a non-enrolled premises, such as a stop-over premises or a fairground, even if such movement was for display purposes only.

vii. All other applicable intrastate movement requirements established by the Domestic Animal Law, its attendant regulations or an order of the Department are followed and obeyed.

t. *Bills of Sale.* All program participants shall create and have in their possession and shall keep as a part of their records for a period of five (5) years a bill of sale for each cervid purchased or sold. The bill of sale shall have information necessary to comply with the recordkeeping provisions of Subsection 9.l.vi., vii., viii. ix. and x. (related to ongoing movement of cervids recordkeeping and reporting requirements). For each cervid transferred by a means other than sale, including barter, lease, loan, exchange or otherwise, a written document of the transaction setting forth the type of transfer and the information required in the Bill of Sale shall be created. Such document shall be maintained as a part of the program participants file for a period of five (5) years. All documents required by this subsection shall be made available to the Department, its employees or agents, upon request.

u. *Changes of Status or Change of Program for Non-Compliance.* If a herd is enrolled in the CWD Herd Certification Program, and the program participant fails to meet the applicable requirements of the voluntary Herd Certification Program as described in this General Quarantine Order or the enrolled herd is not maintained in accordance with the applicable requirements of this General Quarantine Order, the Department may, as it determines is appropriate and for reasons more specifically set forth in the Herd Certification Program provisions of this General Quarantine Order, change the herd certification status of the enrolled herd to a lower status, or remove the herd from the voluntary CWD Herd Certification Program and enroll it under the mandatory CWD Herd Monitoring Program. These actions may be taken for violations such as failure to meet applicable mandatory testing requirements, animal identification requirements, reporting requirements, recordkeeping requirements, herd addition requirements, interstate or intrastate movement requirements or any other requirements imposed by this General Quarantine Order. Herd Certification Program participants found in violation of this Order shall be subject to imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

#### 10. *CWD Herd Monitoring Program.*

a. *Program established.* The Chronic Wasting Disease Herd Monitoring Program (Herd Monitoring Program) as established by the August 4, 2006, General Quarantine Order; Chronic Wasting Disease Program (36 Pa.B. 4612 (August 19, 2006) described in Section 2 (related to October 19, 2013 and February 4, 2011 general quarantine order; chronic wasting disease program) and continued by the February 4, 2011, General Quarantine Order; Chronic Wasting Disease Program (41 Pa.B. 727 (February 5, 2011)), as the Chronic Wasting Disease Herd Monitoring Program (Herd Monitoring Program), is continued as otherwise modified by this Order in the manner established herein.

b. *Mandatory Program.* Enrollment in the CWD Herd Monitoring Program is mandatory, if not participating in the voluntary CWD Herd Certification Program, for those that own CWD-susceptible species. The CWD Herd Monitoring Program establishes criteria which are less stringent than those required by the CWD Herd Certification Program. Failure to enroll in the mandatory CWD Herd Monitoring Program or failure to comply with the criteria established in this General Quarantine Order may result in the imposition of penalties, such as criminal and civil penalties, injunctive, civil and equitable relief, as is allowed under the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.).

c. *Previously Enrolled Herds.* The status of herds enrolled in the CWD Herd Monitoring Program under the February 4, 2011 Order of General Quarantine which are in compliance with that Order as of the effective date of this General Quarantine Order will maintain their existing status under this Order of General Quarantine if they elect to enroll in and agree to comply with the provisions of the CWD Herd Monitoring Program established under this Order of General Quarantine.

d. *Duty to Report Suspects and Dead Cervids and Dead Cervids found in an advanced state of decomposition.* The program participant, the owner of a herd of farmed or captive CWD-susceptible cervids and any caretaker of that herd shall report any suspect cervid, dead cervid or dead cervid found in an advanced state of decomposition as set forth herein. Failure to comply with any of the provisions of this subsection including failure to report a suspect cervid, the death of a cervid within the time periods set forth herein or the discarding, removal or disposal of carcasses, parts, offal or tissues in a manner which is inconsistent with the provisions of this subsection or without the required verifications shall constitute a violation of this General Quarantine Order.

i. *Suspect Cervid*—Any cervid that shows signs that are consistent with CWD (such as staggering, drooling, wasting or unusual behavior) shall be immediately reported to the designated regional office of the Bureau of Animal Health in the Pennsylvania Department of Agriculture. The suspect cervid shall not be removed from the premises of the program participant until such time as the Department has been able to assess the animal and issue an order or guidance with regard to the holding, harvesting, testing and removal of such animal. The program participant and owner shall be responsible for testing one-hundred percent (100%) of all such suspect cervids that die or are harvested for any reason, including an order of the Department to harvest such suspect cervid. All suspect cervids tested shall count towards the fifty-percent (50%) total testing requirement for that herd. Failure to immediately report a suspect cervid or abide by an order of the Department, testing require-

ments or removal provisions of this section shall constitute a violation of this General Quarantine Order.

ii. Dead Cervid—At least fifty-percent (50%) of all dead cervids shall be tested. Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older, the program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. Record the death and include the animal as part of the Ongoing Annual Recordkeeping Requirements, established by Subsection 10.k. of this Order of General Quarantine.

B. Have the dead cervids tested. The entire carcass, head or tissue samples from the carcass shall be transported for testing in accordance with the requirements of Subsections 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) or 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, of this General Quarantine Order.

iii. Dead cervid found in an advanced state of decomposition—At least fifty-percent (50%) of all dead cervids shall be tested. Upon the discovery of any dead farmed or captive CWD-susceptible cervid aged 12 months or older in an advanced state of decomposition, the program participant, owner or caretaker shall report this death to the designated regional office of the Department within 48 hours. These cervids shall be tested as set forth in Subsection 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and in accordance with the provisions set forth herein. The program participant, owner or caretaker shall take the following steps and comport with the following protocols:

A. The dead cervid, including all parts and offal, shall not be removed from the premises of the program participant, except that the entire carcass or head of the carcass may be transported for testing as set forth in Subsection 10.f.i. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) of this General Quarantine Order or tissue samples may be collected and sent for testing as set forth at Subsection 10.f.ii. of this General Quarantine Order.

B. Where only the head or tissue samples are sent for testing, the carcass, parts and offal of the dead cervid shall not be removed from the premises of the program participant until test results have been received or a determination that the carcass is untestable and shall only be disposed of in a manner approved by and set forth in writing by the Department.

C. Dead cervid carcasses considered to be untestable by the program participant or owner shall be verified as such by a Department or USDA, APHIS representative prior to removal or disposal of such carcass, parts and offal. The Department or USDA, APHIS representative may determine that the entire carcass shall be collected and moved directly to a laboratory for collection and potential testing.

iv. Failure to abide by the requirements of this Subsection d. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition) shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

e. *Mandatory Testing.* Fifty-percent (50%) of all mortalities, due to the causes set forth below, shall be tested. The mandatory testing requirements established herein shall become effective upon enrollment and shall apply to all cervids regardless of the herd of origin. A program participant with a herd that is enrolled in the Herd Monitoring Program shall be responsible to ensure that a farmed or captive CWD-susceptible cervid is tested in accordance with Subsections 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) or 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids), as applicable, if any of the following occur:

i. The cervid is 12 months of age or older and is sent to a slaughter facility.

ii. The cervid is 12 months of age or older and dies for a reason such as slaughter, harvesting, hunting, culling or any cause other than natural causes and those set forth in Subsection 10.d. of this General Quarantine Order.

f. *Mandatory Testing for Farmed or Captive CWD-Susceptible Cervids designated as CWD Suspects.* If a dead farmed or captive CWD-susceptible cervid is required to be tested because it showed signs (such as staggering, drooling, wasting, or unusual behavior) that are consistent with CWD before it died, as set forth in Subsection 10.d. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition) it shall be tested according to either of the following procedures:

i. A person shall immediately notify the Department of the dead CWD-susceptible cervid and do the following:

A. Collect either the entire carcass of the cervid or the entire head of the cervid with official identification devices attached in situ.

B. Deliver the carcass or head with official identification devices attached in situ for CWD testing. The properly completed chain of custody forms and sample submission forms required under Subsection 10.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head. The carcass or head shall bear a proper form of identification and be delivered within 72 hours of the cervid's death to either a Department laboratory, or to a laboratory that has been approved, in advance, by the Department or USDA, or both, to perform CWD testing. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

ii. As an alternative to the CWD testing procedure described in paragraph (i), the following procedure shall be followed:

A. Tissue samples shall be collected by one of the following:

I. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

II. An authorized State official. A Department-certified CWD Sampling Technician does not meet the requirements of this subparagraph.



III. An authorized Federal official.

B. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

C. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

D. The tissue samples shall be delivered within 72 hours of the cervid's death to the Pennsylvania Veterinary Laboratory or to a laboratory that has been approved in advance by the Department or USDA, or both, for CWD testing. It is the owner's responsibility to report the death within the a time frame that allows for collection and preservation of the tissue samples within 72 hours of the cervid's death as required by Subsection B. above and protect the carcass from further degradation until tissue samples can be collected.

E. Properly completed chain of custody forms and Sample Submission Forms as required under Subsection 10.i. (related to chain of custody of samples: submission of samples) of the General Quarantine Order shall accompany the tissue samples.

g. *Testing Protocol for Other Farmed or Captive CWD-Susceptible Cervids.* Other than farmed or captive CWD-susceptible cervids that exhibit signs that are consistent with CWD (as described in Subsection 10.d.i.—related to suspect cervids), fifty-percent (50%) of all mortalities, due to any cause, shall be tested. If a farmed or captive CWD-susceptible cervid exhibits signs consistent with CWD they shall be sampled and tested in accordance with Department orders. If a dead farmed or captive CWD-susceptible cervid is found in an advanced state of decomposition it shall be tested in accordance with Subsection 10.f. protocols (related to mandatory testing for farmed or captive CWD-Susceptible cervids designated as CWD suspects). All other cervids required to be tested because they are 12 months of age or older and were either sent to a slaughter facility or died for any reason, as described in Subsection 10.e. (related to mandatory testing) shall be tested either in accordance with the protocols established in Subsection 10.f. or this Subsection 10.g.. The program participant shall notify the Department and shall send the Department records setting forth the official identification of each farmed or captive CWD-susceptible cervid that was sent to slaughter or died for any reason set forth in Subsection 10.e. (related to mandatory testing), along with the name and address of the slaughter facility where each animal was slaughtered or the name and address of the place where the animal died or was harvested and the cause of death (see Subsection 10.k.—related to ongoing annual recordkeeping requirements). In such cases, the selected farmed or captive CWD-susceptible cervid shall be tested according to the following procedures:

i. Tissue samples shall be collected by one of the following:

A. A USDA, APHIS Category II accredited practitioner of veterinary medicine.

B. An authorized State official.

C. An authorized Federal official.

D. A Department-certified CWD Sampling Technician.

ii. Tissue samples shall be collected and preserved within 72 hours of the cervid's death.

iii. Tissues samples shall consist of the obex and the medial retropharyngeal lymph nodes preserved in formalin; and in a separate container that does not contain formalin or any other preservative, a small portion of the ear or other skin that is attached to the official identification of the subject cervid.

iv. Properly completed chain of custody forms and sample submission forms as required under Section 10.i. (related to chain of custody samples; submission of samples) of this General Quarantine Order shall accompany the tissue samples.

v. The tissue samples shall, within 30 days of collection, be delivered to the Pennsylvania Veterinary Laboratory or a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

vi. As an alternative to the testing protocol described in paragraph, i., ii., iii., iv., and v. of this Subsection 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) the following protocols shall be followed:

A. Within 72 hours of the cervid's death, collect and deliver either the entire carcass of the cervid with official identification devices attached in situ or the entire head of the cervid with official identification devices attached in situ to a Department laboratory for CWD testing, or to a laboratory that has been approved in advance by the Department or USDA, or both, to perform CWD testing.

B. The program participant/herd owner shall be responsible for properly identifying the cervid carcass or head and delivering it in a manner that does not destroy or make the animal untestable.

C. The person who delivers the carcass or head need not be an approved tissue collector as described in Subsection 10.g.i. (related to testing protocol for other farmed or captive CWD-susceptible cervids).

D. The name, address, and signature of the person collecting, or the person in possession of the carcass, and the person delivering the carcass or head shall be set forth in writing and such writing shall be attached to the chain of custody forms and sample submission forms required by this General Quarantine Order.

E. The properly completed chain of custody forms and sample submission forms required under Subsection 10.i. (related to chain of custody of samples; submission of samples) of this General Quarantine Order shall accompany the carcass or head.

F. Results of samples submitted without the proper and required official identification or the properly completed chain of custody forms and sample submission forms may not be recognized by the Department and shall be considered a violation of this General Quarantine Order. Any such violation may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

h. *Impact of Late Notice, Delivery or Untestable Samples.*

i. It is the program participant/herd owner's responsibility to assure good quality tissue is submitted for testing and ensure that all required samples are collected properly and in a timely manner as required by Sections 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 10.g. (related to testing protocol for other farmed or

captive CWD susceptible cervids) of this General Quarantine Order. All required tissues shall be collected regardless of sample condition (e.g. autolyzed or frozen). In cases where sample quality is poor, the Department shall be notified and a determination made on samples to be submitted.

ii. Failure to abide by the requirements of this section shall be a violation of this General Quarantine Order and may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386). Where the history of sample collections and submissions from the program participant/herd owner demonstrates a pattern of lack of submission of required samples, untimely submission of samples or poor performance including incorrect tissues submitted, poor tissue quality or non-compliance with the provisions and requirements of Subsections 10.d. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition), 10.e. (related to mandatory testing), 10.f. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 10.g. (related to testing protocol for other farmed or captive CWD-susceptible cervids) of this General Quarantine Order, the Department may seek such additional remedies, including injunctive relief as is allowed under the Domestic Animal Law. Adherence to the 72-hour deadlines established in this Subsection 10.f.i.B., 10.f.ii.B., 10.f.ii.D. (related to mandatory testing for farmed or captive CWD-susceptible cervids designated as CWD suspects) and 10.g.ii. and 10.g.vi.A. (related to testing protocol for other farmed or captive CWD susceptible cervids) will be considered a mitigating factor by the Department in any penalty assessed.

i. *Chain of Custody of Samples; Submission of Samples.* A person may obtain chain of custody forms and sample submission forms from the Department by submitting a written request for such forms or by downloading the forms from the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

i. A person submitting a sample (whether tissue samples, an entire carcass or an entire head) for testing under the Herd Monitoring Program shall complete a chain of custody form and a sample submission form, and shall submit those forms along with the sample that is delivered for testing.

ii. The chain of custody form shall clearly identify the premises, including the address of the premises and the name and signature of the herd owner, on which the cervid resided and from which it was taken, official identification on the cervid, the date of sampling, and the persons (in chronological order) who handled the sample from the point it was taken until it is delivered to the Pennsylvania Veterinary Laboratory or a Department-approved laboratory, or a USDA-approved laboratory for CWD testing.

iii. The chain of custody form shall bear the signature, printed name and other identifying information with respect to each person who handles the sample.

iv. The completed chain of custody form and the sample submission form shall be provided to a responsible person at the laboratory to which the sample is delivered.

j. *Identification of Subject Animals.* Each farmed or captive CWD-susceptible cervid that is within a herd enrolled in the Herd Monitoring Program shall have at least one form of the Department and/or USDA, APHIS-approved official animal identification attached if it is

transported from the enrolled premises or is tested for CWD as required by Subsection 10.d. (related to duty to report suspects and dead cervids and dead cervids found in an advanced state of decomposition) or Subsection 10.e. (related to mandatory testing) of this General Quarantine Order. In accordance with 9 CFR Parts 71, 77, 78, and 86 "Traceability for Livestock Moving Interstate", official identification shall not be removed from animals. Identification devices shall be submitted with tissues or remain in place when heads or carcasses are submitted for testing. Forms of identification that are Department-approved or USDA, APHIS-approved, or both, are considered "official" forms of identification for purposes of this provision and include the following:

i. A legible and unique tattoo approved by the Department or USDA, APHIS.

ii. A USDA, APHIS-issued ear tag, bearing a unique number provided by USDA, APHIS that utilizes one of the following numbering systems:

A. The National Uniform Eartagging System (NUES).

B. The Animal Identification Number (AIN) bearing 15 digits starting with '840.'

C. The premises-based numbering system using a Premises Identification Number (PIN) in conjunction with a livestock production numbering system.

D. Any other numbering system approved by USDA, APHIS and the state veterinarian.

iii. An electronic implant device, such as a microchip, that utilizes a nationally unique 15 digit animal identification number starting with '840' provided an appropriate reader is immediately available wherever the animal is located.

iv. Any other identification device approved by the Department and USDA, APHIS.

k. *Ongoing Annual Recordkeeping Requirements.* A program participant with a herd that is enrolled in the Herd Monitoring Program shall maintain up-to-date herd inventory records with respect to the subject herd for a period of 5 years, shall make these records available for inspection by the Department upon request, and shall mail or deliver a copy of these records to the Department no later than one month after each anniversary of the "date of enrollment" in the Herd Monitoring Program. These records shall be kept and filed on forms developed, approved and provided by the Department. The forms will be made available on the Department's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)) and will be available in paper form for those program participants that do not have internet access. The program participant shall be required to complete all fields on the recordkeeping forms and incomplete forms shall be returned to the program participant with a deadline for completion. These records shall include the following information with respect to each subject cervid:

i. Herd size (estimate if exact size is not known).

ii. Documentation of test results indicating a testing level of no less than fifty percent (50%) of cervids that have died from any cause, or were slaughtered or harvested from the last provided inventory.

iii. Records of any movement of cervids, in accordance with the recordkeeping provisions of this Subsection 10.k. and Subsection 10.l (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

iv. For each CWD-susceptible cervid with official identification that is enrolled in the Herd Monitoring Program:

A. The unique number or identification information from the tattoo, tag, electronic implant device or other identification device described in Subsection 10.j. (related to identification of subject animals).

B. The sex and species of the subject cervid.

C. The date of birth of the subject cervid.

v. The date of departure and the destination of any subject cervid removed from the herd since the last provided inventory. Such records shall include all of the following information:

A. The contact information (name, complete address, telephone number and when available, email address) of the person to whom the cervid was sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred.

B. The contact information (name, complete address, telephone number and where applicable, Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number or both where both types of licenses are held) of any dealer, hauler or broker or Pennsylvania cervid livestock operation utilized in such transaction.

C. The date of death and cause of death (if known) of any subject cervid that dies and the CWD test result for that animal, if required to be tested.

D. The corresponding official identification as set forth in Subsection 10.j. (related to identification of subject animals) of this General Quarantine Order, for each such animal removed from the herd.

vi. If the subject cervid is new to the herd since the "date of enrollment," or previous annual inventory report, designation of whether the subject was born to the herd or acquired from outside the herd. If the subject cervid was acquired from outside the herd the following information shall be provided:

A. The source of the subject cervid including contact information (name, complete address, telephone number and when available, email address) of the source herd.

B. The date of acquisition.

C. The corresponding official identification as set forth in Subsection 10.j. (related to identification of subject animals) of this General Quarantine Order, for each such animal acquired from outside the herd.

vii. Where a Pennsylvania dealer, hauler, broker or Pennsylvania cervid livestock operation was involved in the transaction, the name, complete address, telephone number and Pennsylvania Dealer/Hauler or Cervidae Livestock Operations license number or both where both types of licenses are held of such dealer, hauler, broker or Pennsylvania cervid livestock operation.

1. *Ongoing Movement of Cervids Recordkeeping and Reporting Requirements.* A program participant shall report any and all movements of CWD susceptible species of cervids onto and off of the premises (i.e. additions and deletions to the herd) if the transaction was with a Herd Certification Program participating herd. Such reports shall meet the requirements of Subsection 9.1. (related to CWD Herd Certification Program, ongoing movement of cervids recordkeeping and reporting requirements).

m. *Ongoing Reporting Requirement regarding Theft or Escape of CWD-Susceptible Cervids from an Enrolled Herd or Wild CWD-Susceptible Cervids entering an Enrolled Herd.*

i. Theft or escape—A program participant shall report to the designated Department's regional office within 48 hours the removal of any farmed or captive CWD-susceptible cervid from the enrolled herd through theft or escape. The program participant shall file a signed, written report of theft or escape of a cervid with the designated Department's regional office within ten (10) business days of the theft or escape either by mail, fax or email. The signed written report shall set forth the date of such theft or escape, the cause of such escape or perpetrator of such theft if known, a copy of the police report if theft was involved and shall clearly identify each cervid, including setting forth the official identification of each cervid, that escaped or was stolen.

ii. Breach by a wild CWD susceptible cervid—A program participant shall report to the designated regional office within 48 hours if a wild CWD-susceptible cervid or any other CWD-susceptible cervid gains entrance into the enrolled herd. The program participant shall file a signed, written report with the designated Department's regional office within ten (10) business days of the incident. Such report shall be filed either by mail, fax or email. The signed written report shall set forth the date on which the wild CWD-susceptible cervid or any other CWD-susceptible cervid gained entrance and any action taken by the program participant, including the date on which the wild CWD susceptible cervid or any other CWD susceptible cervid was removed from the enclosure, the method of removal, the cause of incident, such as break in the fence or a gate left open and any action taken to prevent the ingress of wild CWD susceptible cervids or any other CWD susceptible cervid from occurring again.

iii. Exception—This reporting requirement is not applicable to additions to a herd as described in Subsection 10.p. (related to additions to the herd).

iv. Failure to report—Failure to report theft, escapes, or ingress of wild cervids within prescribed deadlines shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

n. *Inspections.* The Department or agents acting under authority and direction of the Department may, at its discretion, inspect the premises upon which an enrolled herd of farmed or captive CWD-susceptible cervids is maintained to assure compliance with this General Quarantine Order or in response to complaints. The Department may conduct additional inspections at reasonable times.

i. General scope—Inspections may include records review, checking individual animal identification, whole herd inventory with individual animal identification, inspecting fences to assure compliance with the height, maintenance and ingress and egress provisions of Subsection 10.o. (related to fencing) and other measures within the scope of authority of the Department and necessary to determine compliance with the Herd Monitoring Program. A program participant shall cooperate with the Department, and shall facilitate the inspection by making premises, animals and records available to the Department without delay.

ii. Inspection noncompliance—Failure to comply shall be a violation of this General Quarantine Order and may result in imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

iii. Interference with officer or employee of the department. As established at section 2385 of the Domestic

Animal Law (3 Pa.C.S.A. § 2385), a person who willfully or intentionally interferes with an employee or officer of the department in the performance of duties or activities authorized under the Domestic Animal Law, which includes this General Quarantine Order, commits a misdemeanor of the third degree and shall, upon conviction, be subject to a term of imprisonment of not more than one year or a fine of not more than \$2,500, or both.

o. *Fencing.* A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitoring Program shall be maintained so as to prevent ingress and egress of cervids. Fence height is to be a minimum of 8 feet, although a 10-foot minimum height is recommended.

p. *Additions to the Herd.* The following requirements apply regardless of the period of time the cervid is in the herd (Example: when a buck is moved to an enrolled herd for breeding season). The addition of a CWD susceptible cervid to a herd enrolled in the Herd Monitoring Program shall be done in accordance with all of the following requirements:

i. The addition of each cervid shall be documented consistent with and in the manner required by Subsection 10.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) and shall be set forth in the annual report required by Subsection 10.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

ii. Cervids sourced from out-of-state herds must originate from fully certified herds as required by 9 CFR Part 81 of the Code of Federal Regulations.

iii. A violation of any of the provisions of this Subsection 10.p. (related to additions to the herd) may result in the imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

q. *Usage of semen, embryos, germ plasm, urine, and other cervid by-products.* Semen, embryos, germ plasm, urine and other cervid by-products may be used in a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitoring Program if the following are met:

i. The donor animal is from a herd enrolled in the CWD Herd Monitoring Program, CWD Herd Certification Program, or an equivalent USDA, APHIS-approved out-of-state Herd Certification Program. The source herd shall not have a CWD-positive animal, CWD-suspect animal, or CWD-exposed animal at time of collection of the cervid by-product. The source herd shall not have CWD identified within the 60 months prior to collection.

ii. Out-of-state donor animals shall meet the same Tuberculosis and Brucellosis testing requirements as would be applicable if the donor animal, itself, was being imported.

iii. Records shall be maintained for 5 years from the date of receipt by the seller and buyer including (as applicable) collection date, animal identification including the official identification if available, with respect to the cervid from which the cervid by-product was collected, animal identification including the official identification if available, with respect to the cervid that received the cervid by-product, date of sale, the CWD status of the source premises, and both buyer and seller name, address and telephone number. If a donor animal is from outside the Commonwealth, records of negative Tuberculosis and Brucellosis testing shall also be maintained. Records shall

demonstrate that semen, embryos, urine and other cervid by-products from CWD-positive, CWD-suspect, CWD-exposed and CWD-quarantined herds have been destroyed, including the date and method of destruction.

r. *Limitations on Intrastate Movement of Enrolled Cervids.* Farmed or captive CWD-susceptible cervids that are enrolled under the Herd Monitoring Program may be transported intrastate to destinations including hunting preserves, slaughter facilities, other Herd Monitoring Program participating herds or new premises obtaining cervids for the first time; only if all of the following requirements are fulfilled:

i. The cervid shall only be sold, lent, leased, consigned, exchanged, bartered, gifted, boarded, moved including for breeding purposes, given, harvested or otherwise transferred to a person or entity that is currently enrolled in either the Herd Certification Program or the Herd Monitoring Program established by this General Quarantine Order.

ii. The identification requirements delineated in Subsection 10.j. (related to identification of subject animals) of this General Quarantine Order are followed and obeyed.

iii. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 10.k. (related to ongoing annual recordkeeping requirements) of this General Quarantine Order.

iv. The movement is properly and fully recorded in a manner that meets all of the requirements established under Subsection 10.l. (related to ongoing movement of cervids recordkeeping and reporting requirements) of this General Quarantine Order.

v. The herd addition requirements established under Subsection 10.p. (related to additions to the herd) of this General Quarantine Order are followed and obeyed.

vi. All other applicable intrastate movement requirements established by the Domestic Animal Law, its attendant regulations or an order of the Department are followed and obeyed.

s. *Bills of Sale.* All program participants shall create and have in their possession and shall keep as a part of their records for a period of five (5) years a bill of sale for each cervid purchased or sold. The bill of sale shall have information necessary to comply with the recordkeeping provisions of Subsection 9.l. (related to CWD herd certification program, ongoing movement of cervids recordkeeping and reporting requirements). For each cervid transferred by a means other than sale, including barter, lease, loan, exchange or otherwise, a written document of the transaction setting forth the type of transfer and the information required in the Bill of Sale shall be created. Such document shall be maintained as a part of the program participants file for a period of five (5) years. All documents required by this subsection shall be made available to the Department, its employees or agents, upon request.

t. *Noncompliance.* If a herd is enrolled in the mandatory CWD Herd Monitoring Program, and the program participant fails to meet the applicable requirements of this Order or the enrolled herd is not maintained in accordance with the applicable requirements of this Order, the Department may, as it determines is appropriate, take enforcement action. This action may be taken for violations such as failure to meet applicable mandatory testing requirements, animal identification requirements,

reporting requirements, recordkeeping requirements or any other requirements imposed by this Order. Herd Monitoring Program participants found in violation of this Order shall be subject to imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

11. *Participation of non CWD-susceptible cervids in the Herd Certification Program or Herd Monitoring Program.* Any contrary provision of this Order notwithstanding, persons may voluntarily enroll farmed or captive cervids that are not CWD-susceptible cervids (example: reindeer) in either the Herd Certification Program or the Herd Monitoring Program. Voluntary enrollment shall subject the owner/program participant to all provisions of the Program in which they enroll and the owner/program participant shall be required to meet and comply with all of the standard and edicts of either Program including those requirements that are specifically stated for CWD susceptible species.

12. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to imposition of such criminal and civil penalties and remedies as allowed under the Domestic Animal Law (3 Pa.C.S.A. §§ 2380.8, 2383 and 2386).

13. *No Restriction on Further Action by the Department.* This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on imported cervids.

14. *Effective Date.* Sections A through M of the "Recitals" and Sections 1. through 8. and 11. through 14. of this "Order of General Quarantine" shall become effective immediately upon publication in the *Pennsylvania Bulletin*. This Order in its entirety shall become effective as of August 1, 2014 and shall remain in effect unless rescinded or modified by subsequent order.

GEORGE D. GREIG,  
Secretary

[Pa.B. Doc. No. 14-767. Filed for public inspection April 11, 2014, 9:00 a.m.]

## Interstate/International Quarantine Order; Chronic Wasting Disease Importation Requirements for Farmed or Captive Chronic Wasting Disease-Susceptible Cervids

### Recitals

A. Chronic Wasting Disease (CWD) is considered an infectious, progressive and always fatal disease of susceptible species of the genera *Cervus*, *Odocoileus* and *Alces* including, but not limited to moose, white-tailed deer, mule deer, black-tailed deer, sika deer, elk and red deer, and hybrids thereof.

B. There is no known treatment for CWD infection, no successful vaccine against this disease and no feasible live animal test that can detect the presence of CWD.

C. CWD has negatively impacted this Commonwealth's wild and domestic (farmed or captive) cervid populations. CWD is of particular concern to the captive or farmed cervid industry, in that presence of CWD infection in a herd has resulted in the destruction of an entire herd and severely limited the market for product within and outside this Commonwealth.

D. CWD is transmissible from infected to uninfected CWD-susceptible cervids by ingestion of contaminated materials occurring through shared environment or close contact.

E. CWD has been designated a "dangerous transmissible disease" of animals under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases) by order of the Secretary of Agriculture under 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

F. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping, transport and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

G. The Department also has broad authority under the Domestic Animal Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

H. In 2012 CWD infection was confirmed in two domestic white tailed deer on a farm in the Commonwealth. CWD was diagnosed in free ranging deer in the Commonwealth from testing done in association with the Pennsylvania Game Commission's 2012 and 2013 hunter harvest program. It has also been detected in free-ranging cervids in New York, Maryland, Virginia, and West Virginia, and is known to be present in a number of other states and several Canadian provinces.

I. The Department seeks to establish reasonable requirements, in accordance with its authority under the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389) and consistent with federal regulations—at 9 CFR 81 (related to Chronic Wasting Disease in Deer, Elk and Moose)—and United States Department of Agriculture guidance and policy related to quarantine of CWD infected and exposed cervidae, to allow CWD-susceptible species of cervids to be imported into or shipped through this Commonwealth, while protecting against the introduction of CWD into this Commonwealth's cervid population.

### Order of Quarantine

With the foregoing recitals incorporated into this Order by reference, the Pennsylvania Department of Agriculture (PDA) hereby establishes an Interstate and International Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(c). The terms of this Order are as follows:

1. *Area of Quarantine.* The Quarantined Area affected by this Interstate and International Quarantine Order is any State, foreign nation, province or territory other than the Commonwealth of Pennsylvania.

2. *Prohibitions.*

i. *Importation.* No farmed or captive CWD-susceptible cervid shall be imported into the Commonwealth of Pennsylvania without a PDA-issued importation permit, two forms of USDA/APHIS-approved animal identification (described in Paragraph 3) and the certificate of veterinary inspection and related paperwork required by this Order. No cervids declared as CWD positive, CWD suspect, or CWD exposed shall be imported into the Commonwealth of Pennsylvania or off-loaded within the Commonwealth of Pennsylvania. Pennsylvania will issue importation permits only and exclusively to farmed or captive CWD-susceptible cervids originating from fully certified CWD Herd Certification Program herds. The provisions of this subsection 2.i. also apply to CWD-

susceptible species which will be transported through the Commonwealth of Pennsylvania on their way to a final destination in a state other than the Commonwealth of Pennsylvania, but which will be off-loaded at a stop-over site or premises in the Commonwealth of Pennsylvania during transit. No CWD-susceptible cervid shall be off-loaded at any premises in the Commonwealth that is not enrolled in the Commonwealth's Chronic Wasting Disease Herd Certification or Herd Monitoring Program.

ii. *Through-shipment.* Consistent with the provisions of subsection i. (related to importation) of this Section 2. no cervids declared as CWD positive, CWD suspect, or CWD exposed shall be imported into the Commonwealth of Pennsylvania or off-loaded within the Commonwealth of Pennsylvania. No farmed or captive CWD-susceptible cervid that is being shipped through this Commonwealth of Pennsylvania to another destination shall be temporarily unloaded from the vehicle or conveyance in which it is being transported without a PDA-issued importation permit (as described in Section 5 of this Order), two forms of USDA/APHIS-approved animal identification (as described in Section 3 of this Order) and the certificate of veterinary inspection (as described in Section 4 of this Order) and related paperwork required by this Order.

iii. *Movement to slaughter.* Any farmed or captive CWD-susceptible cervid that is moved interstate for immediate slaughter to a recognized slaughtering establishment in Pennsylvania shall meet the identification requirement in paragraph 3, the certificate of veterinary inspection required by paragraph 4 listing the slaughter facility as the destination, and the permit requirement in paragraph 5. No cervids declared as CWD positive, CWD suspect, or CWD exposed shall be imported for slaughter in Pennsylvania.

3. *Animal identification requirement.* Any farmed or captive cervid that is imported into the Commonwealth of Pennsylvania, or that is temporarily unloaded from the vehicle or conveyance in which it is being transported while in transit through this Commonwealth of Pennsylvania to another destination, shall have two forms of animal identification. One form of identification shall qualify as USDA, APHIS-approved "official" animal identification. The second device may be either a second form of USDA, APHIS-approved "official" animal identification or a USDA, APHIS-approved form of individual animal identification unique to that animal within the herd and linkable to the CWD database. Consultation with USDA and PDA on currently acceptable forms of identification is strongly recommended when anticipating importation of cervids. Currently, USDA, APHIS-approved forms of "official" identification are:

i. A legible and unique tattoo approved by the Department and USDA, APHIS.

ii. A USDA, APHIS-issued ear tag, bearing a unique number provided by USDA, APHIS that utilizes one of the following numbering systems:

A. The National Uniform Eartagging System (NUES).

B. The Animal Identification Number (AIN) bearing 15 digits starting with '840.'

C. The premises-based numbering system using a Premises Identification Number (PIN) in conjunction with a livestock production numbering system.

D. Any other numbering system approved by USDA, APHIS and the state veterinarian.

iii. An electronic implant device, such as a microchip that utilizes a nationally unique 15 digit animal identifi-

cation number starting with '840' provided an appropriate reader is immediately available wherever the animal is located.

iv. Any other identification device approved by the Department and USDA, APHIS.

4. *Certificate of veterinary inspection and health documentation requirements.* Any farmed or captive cervid that is imported into the Commonwealth of Pennsylvania, or that is temporarily unloaded from the vehicle or conveyance in which it is being transported while in transit through the Commonwealth of Pennsylvania to another destination, shall be accompanied by an official certificate of veterinary inspection (CVI) written within the preceding 30 days by a USDA Category II accredited veterinarian or equivalent position of the State, foreign nation, province or territory of origin indicating that the animal identified in that document is not known to be exposed to or infected with any infectious or contagious disease.

i. A single CVI may pertain to any number of farmed or captive cervids, but the CVI shall identify each of the subject farmed or captive cervids by its official approved form of animal identification, as described above in Paragraph (3).

ii. The CVI shall verify that the subject farmed or captive cervids identified in the document have satisfied all applicable testing requirements of the Commonwealth of Pennsylvania related to Brucellosis and Tuberculosis.

iii. The CVI or its separate accompanying verification shall confirm that the subject CWD-susceptible farmed or captive cervids originates from a herd of origin that has been classified as 'Certified' in a government-administered CWD herd certification program with components as determined by 9 CFR Part 55.24. PDA will be the final arbiter of whether or not a particular CWD herd certification program is acceptable, but will make this determination in accordance with any applicable USDA or other national standards.

5. *Importation permit requirement.* Pennsylvania will issue importation permits only and exclusively to farmed or captive CWD-susceptible cervids originating from fully certified CWD Herd Certification Program herds. This restriction also applies to those CWD-susceptible species which will be transported through Pennsylvania on their way to a final destination in a state other than Pennsylvania, but which will be off-loaded at a stop-over site in Pennsylvania during transit. Persons meeting the definition of a hauler under the provisions of the Domestic Animal Law shall be subject to the licensure requirements contained therein. Pennsylvania cervid operations enrolled or required to be enrolled under the "General Quarantine Order; Chronic Wasting Disease Program Requirements for Herd Certification Program and Herd Monitoring Program," shall obtain and document the hauler information required by the provisions of that Order.

This importation permit may be obtained through PDA's Bureau of Animal Health and Diagnostic Services, at (717) 783-5304. Applicants should apply to PDA for this importation permit at least 30 days in advance of the planned importation or shipping date. The application verifies that the importation requirements have been met. The following information is required including animal identification, from which premises, to which premises, CWD herd status, Tuberculosis herd status, Brucellosis herd status, dealer/hauler information, and date of movement. Premises, except slaughter facilities, importing

farmed or captive CWD-susceptible cervids must be enrolled in one of the CWD programs with the Pennsylvania Department of Agriculture.

6. *Criminal and/or civil penalties.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

7. *PDA's authority.* This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported cervids.

8. By this Order, the Department is rescinding and supplanting the referenced August 19, 2006, General

Quarantine Order to harmonize Commonwealth standards with Federal regulations in 9 CFR Parts 55 and 81 which establish minimum national standards addressing State CWD herd certification programs for interstate cervidae commerce.

9. *Effective date.* This Order is effective upon publication in the *Pennsylvania Bulletin*.

GEORGE D. GREIG,  
Secretary

[Pa.B. Doc. No. 14-768. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of 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 April 1, 2014.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-28-2014	Provident Financial Services, Inc. Jersey City Hudson County, NJ  Application for approval to acquire 100% of Team Capital Bank, Bethlehem.	Approved
3-28-2014	GNB Financial Services, Inc. Gratz Dauphin County  Application for approval to acquire 100% of Liberty Centre Bancorp, Inc., Pottsville, and thereby indirectly acquire 100% of Liberty Savings Bank F.S.B., Pottsville.	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-28-2014	The Gratz Bank Gratz Dauphin County  Merger of Liberty Savings Bank, F.S.B., Pottsville, with and into The Gratz Bank, Gratz. As a result of the merger, the following branch office of Liberty Savings Bank, F.S.B. became a branch office of The Gratz Bank:  2221 West Market Street Pottsville Schuylkill County	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-26-2014	Somerset Trust Company Somerset Somerset County	900 West Crawford Avenue Connellsville Fayette County	Filed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-28-2014	ACNB Bank Gettysburg Adams County	850 Norland Avenue Chambersburg Franklin County	Approved
3-28-2014	The Bank of Landisburg Landisburg Perry County	2780 Keystone Way Newport Perry County	Approved
3-28-2014	CNB Bank Clearfield Clearfield County	2302 West 12th Street Erie Erie County	Approved
3-28-2014	First Citizens Community Bank Mansfield Tioga County	Hogan Boulevard Mill Hall Clinton County	Approved
3-28-2014	Union Community Bank Mount Joy Lancaster County	600 Richmond Drive Lancaster Lancaster County	Approved
4-1-2014	York Traditions Bank York York County	361 Eisenhower Drive Hanover York County	Filed

### SAVINGS INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-31-2014	<i>From:</i> Fidelity Savings and Loan Association of Bucks County Bristol Bucks County  <i>To:</i> Fidelity Savings and Loan Association of Bucks County Bristol Bucks County  Conversion from a Pennsylvania State-chartered mutual savings association to a Pennsylvania State-chartered mutual savings bank.	Effective
3-31-2014	<i>From:</i> ESSA Bank and Trust Stroudsburg Monroe County  <i>To:</i> ESSA Bank and Trust Stroudsburg Monroe County  Conversion from a Pennsylvania State-chartered stock savings and loan association to a Pennsylvania State-chartered stock savings bank.	Effective

### CREDIT UNIONS

No activity.

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. 14-769. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Request for Bids

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

*FDC-002-100676.1—FD-2 RMC Water Well, Forest District 2, Buchanan State Forest, Todd Township, Fulton County.* Work included under this contract consists of drilling and development of one new potable water well, well cap and appurtenances; disinfect and perform all testing of the new well; miscellaneous erosion and sedimentation control measures.

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

*FDC-018-100717.1—Roof Replacement at Locust Valley Forest Fire Control Station, Penn Forest Fire Control Station Pole Building and Haldeman Headquarters Stone House, Weiser State Forest, Forest District 18, Rush*



Township, Schuylkill County; Penn Forest Township, Carbon County; Jackson Township, Dauphin County. Work included under this contract consists of the reroofing of three buildings.

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

*FDC-131-7557.1R—Marina Boat Docks and Bulkhead Railing, Shikellamy State Park, Upper Augusta Township, Northumberland County.* Work included under this contract consists of furnishing and installation of floating dock structures including main dock walkways, finger

piers and gangways; and the removal, replacement and regrouting of the anchor sleeves for the removable aluminum bulkhead railing.

Bid documents will be available on or after April 9, 2014. The bid opening will be held on May 8, 2014.

ELLEN FERRETTI,  
Secretary

[Pa.B. Doc. No. 14-770. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0052591 (Sewage)	Richard C Becker Walnutport Mobile Home Park 901 South Best Avenue Walnutport, PA 18088	Northampton County Lehigh Township	Bertsch Creek (2-C)	Y
PA0062006 (Sewage)	Camp Kresge 382 Senator Raphael Musto Drive White Haven, PA 18661	Luzerne County Dennison Township	Nescopeck Creek (5-D)	Y
PA0021547 (Sewage)	Orwigsburg Borough Municipal Authority WWTP South Liberty Street Orwigsburg, PA 17961	Schuylkill County North Manheim Township	Mahannon Creek (03A)	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#)</i>	<i>EPA Waived Y/N?</i>
PA0114081 (Sewage)	Woods Edge Estates Clear Run STP West Woods-Edge Drive Bloomsburg, PA 17815-7708	Columbia County Orange Township	Stony Brook (5-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0033294 (Sewage)	Franklin Manor 70 Security Drive Washington, PA 15301	Washington County South Franklin Township	Unnamed Tributary to Chartiers Creek (20-F)	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>
PA0238767 (Sewage)	Stoneworth Apt 877 New Castle Road Slippery Rock, PA 16057	Butler County Worth Township	Slippery Rock Creek (20-C)	Y

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

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

**PA0026255**, Sewage, SIC Code 4952, **Allegheny Valley Joint Sewer Authority**, 2400 Freeport Road, Cheswick, PA 15024-0158. Facility Name: Allegheny Valley Joint Sewer Authority STP. This existing facility is located in Harmar Township, **Allegheny 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, Allegheny River, is located in State Water Plan watershed 18-A 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 5.5 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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	1,147	1,743	XXX	25	38	50

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
BOD <sub>5</sub>						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,376	2,064	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean XXX	Report Daily Max	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The EPA Waiver is not in effect.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*  
**PA0020290**, Sewage, SIC Code 4952, **Quakertown Borough**, 35 North Third Street, Quakertown, PA 18951-1376.  
 Facility Name: Quakertown Borough STP. This existing facility is located in Richland Township, **Bucks County**.

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

The receiving stream(s), Tohickon Creek, is located in State Water Plan watershed 2-D and is classified for Trout Stocking, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.1 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	6	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.035	XXX	0.063
CBOD <sub>5</sub>						
May 1 - Oct 31	207	310	XXX	8	12	16
Nov 1 - Apr 30	388	595	XXX	15	Wkly Avg 23	30
Total Suspended Solids	776	1,163	XXX	30	Wkly Avg 45	60
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate as N						
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen						
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	52	XXX	XXX	2	XXX	4
Nov 1 - Apr 30	155	XXX	XXX	6	XXX	12
Total Phosphorus	13	XXX	XXX	0.5	XXX	1.0
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Sulfate	XXX	XXX	XXX	XXX	Report	XXX
1,4-Dioxane	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 101 are:

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

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

- Designation of Responsible Operator
- Stormwater Discharge
- Operation and Implementation of Pretreatment Program
- Lab Certification
- Sampling During Bypass
- Special Protection Waters (SPW) Discharge

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

The EPA Waiver is not in effect.

**PA0056804**, Industrial Waste, SIC Code 4941, **North Penn North Wales Water Authority Montgomery County**, 44 Park Avenue, Chalfont, PA 18914. Facility Name: Forest Park WTP. This existing facility is located in Chalfont Borough, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated process wastewater from a water filtration plant to Pine Run.

The receiving stream(s), Pine Run, is located in State Water Plan watershed 2-F and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream water supply intake for Aqua PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 and 002 are based on a design flow of 1.3 MGD.

**PA0244643**, IW, SIC Code 3272, **Oldcastle Precast**, 1900 Pennsylvania Avenue, Croydon, PA 19021. Facility Name: Oldcastle Precast Croydon Plant. This facility is located in Bristol Township, **Bucks County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of 12,000 gpd of non-contact cooling water and stormwater. This IW permit replaces the General Permit No. PAR210030.

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

The proposed effluent limits for Outfall 001 are based on a stormwater event. All stormwater samples are to be taken from Monitoring Point 101 which is the same location as Sampling Point 001A as shown in the line drawing within the permit application. All stormwater samples need to be taken during storm events to mitigate the influence from the combined 12,000 gpd of non-contact cooling water.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Monitoring Point 101 are based on a design flow of 0.012 MGD of non-contact cooling water. All samples are to be taken from Monitoring Point 101 which is the same location as Sampling Point 001A as shown in the line drawing within the permit application. All non-contact cooling water samples need to be taken during dry events to mitigate the influence of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Inst. Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Inst. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	1.0
Temperature (°F)	XXX	XXX	XXX	XXX	110.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Requirement
- D. BAT/ELG Reopener
- E. Temperature
- F. Stormwater Condition

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

The EPA Waiver is in effect.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.35	XXX	0.82
Total Suspended Solids	325	651	XXX	30	60	75
Total Phosphorus	8	16	XXX	0.75	1.5	1.87
Total Aluminum	11	22	XXX	1.0	2.0	2.5
Total Iron	22	43	XXX	2.0	4.0	5.0
Total Manganese	11	22	XXX	1.0	2.0	2.5
Chlorodibromomethane	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report	Report	XXX
Chloroform	XXX	XXX	XXX	Report	Report	XXX

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

- Obtain Property Rights
- Proper Sludge Disposal
- BAT/BCT Standards
- Chlorine Minimization

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

The EPA Waiver is in effect.

**PA0011428**, Storm Water, SIC Code 5171, **Plains Products Terminals LLC**, 6850 Essington Avenue, Philadelphia, PA 19153-3413. Facility Name: Plains Products S 51st Street Facility. This existing facility is located in City of Philadelphia, **Philadelphia County**.

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

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

The proposed effluent limits for Outfall 001 are based on a stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
TRPH	XXX	XXX	XXX	15	XXX	30

<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>Daily Maximum</i>	
Benzene	XXX	XXX	XXX	XXX	XXX	Report
MTBE	XXX	XXX	XXX	XXX	XXX	Report

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

- I.
  - A. Property Rights
  - B. Sludge Disposal
  - C. BAT/BCT
- II. Stormwater Requirements
- III. Petroleum Marketing Terminal

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

The EPA Waiver is in effect.

**PA0043982**, Sewage, SIC Code 4952, **Utilities, Inc. of Pennsylvania**, 1201 Sawmill Road, Downingtown, PA 19335-3830. Facility Name: Broad Run STP. This existing facility is located in 1201 Sawmill Road, Downingtown, PA 19335, in West Bradford Township, **Chester County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 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>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	73	XXX	XXX	22	XXX	44
Total Suspended Solids	100	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	133	XXX	XXX	Geo Mean 40	XXX	80
Ammonia-Nitrogen						
May 1 - Oct 31	6.7	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	20	XXX	XXX	6.0	XXX	12.0
Total Phosphorus						
Apr 1 - Oct 31	5.8	XXX	XXX	1.7	XXX	3.4
Nov 1 - Mar 31	6.7	XXX	XXX	2.0	XXX	4.0

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

Proposed Part C Conditions:

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Sludge Disposal Requirement
- D. Abandon STP When Municipal Sewers Available
- E. Total Residual Chlorine Requirement
- F. Notification of Designation of Operator
- G. Remedial Measures if Public Nuisance
- H. Certified Operator
- I. Laboratory Certification

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

The EPA Waiver is not in effect.

**PA0032301**, Sewage, SIC Code 6512, **M & B Environmental, Inc.**, 744 Harleysville Pike, Harleysville, PA 19438. Facility Name: Concord Industrial Park STP. This existing facility is located in Concord Township, **Delaware County**.

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

The receiving stream(s), West Branch Chester Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	4.2	XXX	XXX	25	XXX	50
Total Suspended Solids	5.0	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Phosphorus						
May 1 - Oct 31	0.17	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30	0.33	XXX	XXX	2.0	XXX	4.0

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

- A. No Stormwater
- B. Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. Chlorine Minimization
- F. Operator Notification
- G. Operations and Maintenance Plan

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

The EPA Waiver is in effect.

**PA0244651**, Storm Water, SIC Code 5171, **Jay Gress Inc.**, 1225 West Ridge Pike, Conshohocken, PA 19428. Facility Name: Jay Gress Conshohocken PA Bulk Petroleum Facility. This proposed facility is located in Plymouth Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on stormwater flows.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant. Maximum
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for Outfall 002 are based on stormwater flows.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

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

The EPA Waiver is in effect.

**PA0058572**, Sewage, SIC Code 4952, **Penn Township Chester County**, 260 Lewis Road, West Grove, PA 19390. Facility Name: Penn Township Sewer STP. This existing facility is located in Penn Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary of East Branch Big Elk Creek, is located in State Water Plan watershed 7-K and is classified for High Quality Waters—Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	29.2	XXX	XXX	10	XXX	20
Raw Sewage Influent BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	29.2	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
UV Transmittance (%)	XXX	XXX	Report Min	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	4.4	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	13.1	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	2.9	XXX	XXX	1.0	XXX	2.0

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		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	Report		Report	
Net Total Phosphorus	Report	Report		Report	

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

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

- Chesapeake Bay Nutrient Requirements
- Solids Management
- No Stormwater Discharge
- Necessary Property Rights



- Proper Sludge Disposal
- Notification of Designated Operator
- Operations and Maintenance Plan

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

The EPA Waiver is in effect.

**PA0057088**, SIC Code 4911, **Exelon Generation Co. LLC**, 3901 North Delaware Avenue, Philadelphia, PA 19137. Facility Name: Exelon Fairless Hills Generating Station. This existing facility is located in Falls Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water, power plant condenser water and stormwater.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 41.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Spectrus CT 1300	XXX	XXX	XXX	XXX	0.05	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2,500
Total Suspended Solids	XXX	XXX	XXX	30	60	75
CBOD <sub>5</sub>	XXX	XXX	XXX	30	60	75
Ammonia Nitrogen	XXX	XXX	XXX	35	XXX	70

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

- Thermal Mixing Zone for Delaware River Zone-2
- Thermal Requirements
- Chemical Additive Requirements
- Change of Ownership
- 316(b) Intake Structure Condition
- PMP for PCBs
- No Discharge of PCBs

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

The EPA Waiver is in effect.

**PA0026018**, Sewage, SIC Code 4952, **Borough of West Chester**, Goose Creek Wastewater Treatment Plant, 351 Snyder Avenue, West Chester, PA 19382. Facility Name: West Chester Taylor Run STP. This existing facility is located in East Bradford Township, **Chester County**.

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

The receiving stream(s), Taylor Run, is located in State Water Plan watershed 3-H and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.15
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
CBOD <sub>5</sub>	313	475	XXX	25	40 Wkly Avg	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	188	282	XXX	15	23 Wkly Avg	30
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	375	XXX	XXX	30	XXX	60
Ammonia-Nitrogen						
May 1 - Oct 31	31	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	94	XXX	XXX	7.5	XXX	15.0
Total Phosphorus						
Apr 1 - Oct 31	20.0	XXX	XXX	1.6	XXX	3.2
Nov 1 - Mar 31	25	XXX	XXX	2.0	XXX	4.0
Total Aluminum (Interim)	Report	XXX	XXX	Report	XXX	Report
Total Aluminum (Final)	9.4	11.1	XXX	0.75	0.89	1.42
Total Copper	Report	Daily Max XXX	XXX	Report	XXX	Report
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

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

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

Monitoring is not required for stormwater outfalls 002 and 004.

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Discharge to Small Stream
- D. Proper Sludge Disposal
- E. Chlorine Minimization
- F. Operator Notification
- G. TMDL/WLA data
- H. Fecal Coliform Reporting
- I. Exemption from Pretreatment Program
- J. WET Testing
- K. Requirements for Stormwater Outfalls

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

The EPA Waiver is not in effect.

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

**PA0065421**, Industrial Waste, SIC Code 3241, **Essroc Cement Corporation**, Route 248 & Easton Road, Nazareth, PA 18064. Facility Name: Essroc Nazareth Operations. This existing facility is located in Nazareth Borough, **Northampton County**.

Description of Proposed Activity: The application is for the renewal and combination of three existing NPDES permits for an existing discharge of treated industrial waste. Existing permits PA0063991, PA0064009, and PA0064017, for contiguous areas that are part of the Essroc Nazareth Operations, are being consolidated into one permit, PA0065421.

The receiving streams, Unnamed Tributary to East Branch Monocacy Creek and Unnamed Tributaries to Shoeneck Creek, are located in State Water Plan watershed 1-F and 2-C and are classified, respectively, for Warm Water Fishes, Migratory Fishes, and High Quality Waters—Cold Water Fishes, Migratory Fishes; and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.35 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 Suspended Solids	XXX	XXX	XXX	XXX	50.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Dissolved Solids	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	1,000 Max	XXX
Dissolved Oxygen						
May 1 - Sep 30	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Nitrate as N						
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen						
May 1 - Sep 30	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
May 1 - Sep 30	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 102 (Internal Monitoring Point) are based on a design flow of 0.43 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 Suspended Solids	Report	46.3	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX

The proposed effluent limits for Outfall 202 (Internal Monitoring Point) are based on a design flow of 0.28 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 Suspended Solids	Report	30.2	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX

The proposed effluent limits for Outfall 003 (stormwater) are as follows:

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 Suspended Solids	XXX	XXX	XXX	XXX	50.0	XXX

The proposed effluent limits for Outfall 004 (stormwater) are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	50.0	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

**PA0060542**, Sewage, SIC Code 4952, **Wallenpaupack Lake Estates**, 114 Wallenpaupack Drive, Lake Ariel, PA 18436. Facility Name: Wallenpaupack Lake Estates WWTP. This existing facility is located in Paupack Township, **Wayne 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, an unnamed tributary to Wallenpaupack Creek, is located in State Water Plan watershed 01C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.650 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
CBOD <sub>5</sub>	54	XXX	XXX	10	XXX	20
Total Suspended Solids	162	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
Nitrite-Nitrate as N	65	XXX	XXX	12	XXX	24
Total Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	12.4	XXX	XXX	2.3	XXX	4.6
Nov 1 - Apr 30	37.4	XXX	XXX	6.9	XXX	13.8
Total Kjeldahl Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	2.7	XXX	XXX	0.5	XXX	1.0

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

- TMDL waste load allocation

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is not in effect.

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

**PA0027367 A-1**, Sewage, SIC Code 4952, **Greenville Borough Sanitary Authority**, 125 Main Street, Greenville, PA 16125-2701. Facility Name: Greenville Sanitary Authority STP. This existing facility is located in Greenville Borough, **Mercer County**.

Description of Existing Activity: The application is for an amendment to an NPDES permit for an increased discharge of treated sewage. The plant design hydraulic capacity will increase from 2.8 MGD to 4.0 MGD.

The receiving stream(s), Shenango River, is located in State Water Plan watershed 20-A 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 4.0 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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.37	XXX	1.2
CBOD <sub>5</sub>						
May 1 - Oct 31	667	1,000	XXX	20	30	40
Nov 1 - Apr 30	834	1,334	XXX	25	40	50
Total Suspended Solids	1,000	1,500	XXX	30	45	60
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	233	XXX	XXX	7	XXX	14
Nov 1 - Apr 30	700	XXX	XXX	21	XXX	42
Total Phosphorus	33	XXX	XXX	1	XXX	2
Total Copper (Interim)	Report	XXX	XXX	Report	XXX	XXX
Total Copper (Final)	0.56	XXX	XXX	0.017	XXX	0.042

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

- Solids Management

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

The EPA Waiver is not in effect.

**PA0272779**, Sewage, SIC Code 4952, **Neshannock Creek Watershed Joint Municipal Authority**, 369 McClelland Road, Mercer, PA 16137. Facility Name: Neshannock Creek Watershed Joint Municipal Authority WWTP. This proposed facility is located in East Lackawannock Township, **Mercer County**.

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

The receiving stream, Neshannock Creek, is located in State Water Plan watershed 20-A 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 0.15 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
CBOD <sub>5</sub>	31.3	50	XXX	25	40	50
Total Suspended Solids	37.5	56.3	XXX	30	45	60
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
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
UV Intensity (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	16.2	XXX	XXX	13	XXX	26
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Solids Management
- eDMR reporting requirement

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 3814401**, Sewerage, **Fredericksburg Water & Sewer Authority**, James A. Heisey, PO Box 161, Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity: Seeking permit approval to upgrade the existing East Main Street pumping station.

**WQM Permit No. 2214401**, Sewerage, **Elizabethville Borough Area Authority**, 4154 Route 225, Elizabethville, PA 17023.

This proposed facility is located in Elizabethville Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of a new chemical feed building and equipment to meet Chesapeake Bay requirements.

**WQM Permit No. 3691201, Amendment #5**, Industrial Waste, **Valley Proteins, Inc.—Terre Hill Division, Robert T. Vogler**, 151 ValPro Drive, PO Box 3588, Winchester, VA 22604.

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

Description of Proposed Action/Activity: Seeking permit approval for their rendering plants wastewater treatment system for Spry Field Irrigation system capacity.

**WQM Permit No. 0713401, Amendment #1**, Sewerage, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601.

This proposed facility is located in Altoona City and Logan Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of the Pleasant Valley Boulevard Interceptor. The project also includes miscellaneous maintenance work at the two existing CSO locations on Dysart Avenue and East Bellwood Avenue.

**WQM Permit No. WQG02361401, Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of a sewer extension and pumping station to serve Lime Springs Farm.

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

**WQM Permit No. 0314400**, Sewage, **Leechburg Borough**, 260 Market St, Leechburg, PA 15656.

This proposed facility is located in Leechburg Borough, **Armstrong County**.

Description of Proposed Action/Activity: Sanitary sewer separation project. All combined sewers will be replaced with sanitary only sewers.

**WQM Permit No. 0207404 A-1**, Sewage, **West Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088.

This existing facility is located in West Elizabeth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Replacement of the existing Ferry Street Lift Station to serve West Elizabeth Borough.

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

**WQM Permit No. 2599402**, Sewage, Amendment, **Lake City Borough**, 2350 Main Street, Lake City, PA 16423.

This proposed facility is located in Lake City Borough, **Erie County**.

Description of Proposed Action/Activity: Amendment to install a dechlorinator and modify the outfall structure at the Lake City Borough Municipal STP.

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

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

**PAI132224**, MS4, **Lackawanna County**, 200 Adams Avenue, Scranton, PA 18503-1602. The application is for a 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 Scranton City, **Lackawanna County**. The receiving streams, Keyser Creek, Lackawanna River, Powderly Creek, Lucky Run, Unnamed Tributary to Lackawanna River, Price Creek, Leggetts Creek, and Wildcat Creek, are located in State Water Plan watershed 5-A and are classified for High Quality Waters—Cold Water Fishes (Lackawanna River), Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**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>
PAI024814405	Lehigh Valley Industrial Park, Inc. c/o Kerry A. Wrobel 1720 Spillman Drive, Suite 150 Bethlehem, PA 18015-2164	Northampton	City of Bethlehem & Lower Saucon Township	Saucon Creek (CWF, MF) Saucon Creek (HQ-CWF, MF); East Branch Saucon Creek (CWF, MF); Lehigh River (WWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033614002	Frey Dairy Farms, Inc. 2646 River Road Conestoga, PA 17516	Lancaster	Manor Township	UNT Manns Run (WWF) UNT Wisslers Run (HQ-CWF)
PAI030614001	PennDOT District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Berks	Richmond Township	Moselem Creek (HQ-CWF, MF)
PAI032807003R	Thomas A. Mongold 18182 Fort Davis Road Mercersburg, PA 17236	Franklin	Guilford Township	Racoon Creek (HQ-CWF)

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

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045314003	PA Sector 3 2 Limited Partnership d/b/a Verizon Wireless 175 Calkins Rd Rochester NY 14623	Potter	Hector Township	Crippen Run HQ-CWF

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

PAG-12 CAFOs

**CAFO Notices of Intent Received**

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

**PAG123683**, CAFO, PAG123683, **Hawbaker Farms, LLC**, 6842 Buttermilk Road, Waynesboro, PA 17268.

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

Description of Size and Scope of Proposed Operation/Activity: Seeking renewal of their existing permit for an existing 65 ft x 645 ft duck barn and HDPE-lined earthen storage lagoon.

The receiving stream, UNT 59278 to West Branch Antietam Creek, is in watershed 13-C, 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.

## 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.

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

**Application No. PA0267716**, Concentrated Animal Feeding Operation (CAFO), **Hillcrest Saylor Dairy LLC (Hillcrest Saylor Dairy Farm)**, 3684 Kingwood Road, Rockwood, PA 15557-7802.

Hillcrest Saylor Dairy LLC has submitted an application for an Individual NPDES permit for a new CAFO known as Hillcrest Saylor Dairy Farm, located in Middlecreek Township, **Somerset County**.

The CAFO is situated near Middle Creek in Watershed 19-F, which is classified for Trout Stocking. The CAFO is designed to maintain an animal population of approximately 1,248 animal equivalent units (AEUs) consisting of 600 mature dairy cows, 379 dairy heifers, 60 dry cows, and 209 calves. The milk cow manure is collected as liquid manure, while all other manure is collected as a solid bedded penpack. Additional food waste, approximately 30 ton/week, (374,400 gallons/yr) will be imported onto the farm and run through the manure digester. Milking parlor wastewater is directed into the manure handling system.

A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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



## SAFE DRINKING WATER

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

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

**Permit No. WA-46-1003** Public Water Supply

Applicant **Horsham Water & Sewer Authority**

County **Montgomery**

Township Horsham

Responsible Official Mr. Michael Larery  
1101 Market Street  
Philadelphia, PA 19107

Type of Facility PWS

Consulting Engineer CH2M Hill  
1717 Arch Street  
Suite 4400  
Philadelphia, PA 19103

Application Received Date March 20, 2014

Description of Action Increase water allocation from exiting interconnections with North Wales Authority and Aqua Pennsylvania, Inc.

**Permit No. 2314501** Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**

County **Delaware**

Township Middletown

Responsible Official Marc Lucca  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer Hatch Mott McDonald  
The Public Ledger Building  
150 South Independence Mall  
West  
Suite 1040  
Philadelphia, PA 19106

Application Received Date March 17, 2014

Description of Action Construction of a new raw water intake to replace an existing raw water intake on the Chester Creek.

**Permit No. 0914503** Public Water Supply

Applicant **Hilltown Township Water & Sewer Authority**

County **Bucks**

Township Hilltown

Responsible Official Mr. C. Groff  
P. O. Box 365  
Sellersville, PA 18960

Type of Facility PWS

Consulting Engineer Castle Valley Consultants  
10 Beulah Road  
New Britain, PA 18901

Application Received Date February 27, 2014

Description of Action Installation of an arsenic removal system at well No. 5.

**Permit No. 5114501** Public Water Supply

Applicant **Philadelphia Water Department**

County **City of Philadelphia**

Township Philadelphia

Responsible Official Mr. Michael Larery  
1101 Market Street  
Philadelphia, PA 19107

Type of Facility PWS

Consulting Engineer CH2M Hill  
1717 Arch Street  
Suite 4400  
Philadelphia, PA 19103

Application Received Date February 28, 2014

Description of Action Construction of two concrete storage Tanks to replace the East Park Reservoir.

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

**Permit No. 5014502**, Public Water Supply.

Applicant **Penn Township Municipal Authority**

Municipality Penn Township

County **Perry**

Responsible Official Henry Holman III, Chairman  
102 Municipal Building Road  
Duncannon, PA 17020

Type of Facility Public Water Supply

Consulting Engineer Randolph S. Bailey, P.E.  
William F Hill & Associates Inc  
207 Baltimore Street  
Getysburg, PA 17325

Application Received: 3/18/2014

Description of Action Upgrades for the Sunshine Hill Water Treatment Plant including a new iron and manganese treatment system, a new 110,000 gallon storage tank, a booster pump station and distribution pipe replacements.

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

**Permit No. 1114504**, Public Water Supply.

Applicant **Hastings Municipal Authority**  
207-1 Fifth Avenue  
PO Box 559  
Hastings, PA 16646

[Township or Borough] Hastings Borough and Elder Township

Responsible Official Eugene M. Rogal, President  
Hastings Municipal Authority  
207-1 Fifth Avenue  
PO Box 559  
Hastings, PA 16646

Type of Facility Water system  
 Consulting Engineer Stiffler, McGraw and Associates, Inc.  
 1731 North Juniata Street  
 Hollidaysburg, PA 16648

Application Received Date March 31, 2014

Description of Action Construction of a disinfection booster station, a flow metering vault and an interconnection between the Authority and the Elder Township Water Authority.

**Permit No. 1114506**, Public Water Supply.  
 Applicant **Hastings Municipal Authority**  
 207-1 Fifth Avenue  
 PO Box 559  
 Hastings, PA 16646

[Township or Borough] Hastings Borough and Elder Township

Responsible Official Eugene M. Rogal, President  
 Hastings Municipal Authority  
 207-1 Fifth Avenue  
 PO Box 559  
 Hastings, PA 16646

Type of Facility Water system  
 Consulting Engineer Stiffler, McGraw and Associates, Inc.  
 1731 North Juniata Street  
 Hollidaysburg, PA 16648

Application Received Date March 31, 2014

Description of Action Rehabilitation of the existing Mine Spring No. 1 raw water source withdrawal system and installation of an aluminum dome roof over the concrete Mine Spring No. 1 raw water reservoir.

**Permit No. 1114506**, Public Water Supply.  
 Applicant **Hastings Municipal Authority**  
 207-1 Fifth Avenue  
 PO Box 559  
 Hastings, PA 16646

[Township or Borough] Hastings Borough and Elder Township

Responsible Official Eugene M. Rogal, President  
 Hastings Municipal Authority  
 207-1 Fifth Avenue  
 PO Box 559  
 Hastings, PA 16646

Type of Facility Water system  
 Consulting Engineer Stiffler, McGraw and Associates, Inc.  
 1731 North Juniata Street  
 Hollidaysburg, PA 16648

Application Received Date March 31, 2014

Description of Action Replacement of the existing direct filtration tanks units and media; rebuilding several components of the existing ozone pretreatment equipment.

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

**Permit No. 2514501**, Public Water Supply  
 Applicant **Municipal Authority of the Borough of Union City**

Township or Borough Union City Township

County **Erie**

Responsible Official Daniel Brugmain

Type of Facility Public Water Supply

Consulting Engineer August E. Maas, P.E.  
 Hill Engineering, Inc.  
 8 Gibson Street  
 North East, PA 16428

Application Received Date March 7, 2014

Description of Action Construction of green sand pressure filtration system for manganese removal.

#### MINOR AMENDMENT

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

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

#### **Permit No. 1114505MA, Minor Amendment.**

Applicant **Hastings Municipal Authority**  
 207-1 Fifth Avenue  
 PO Box 559  
 Hastings, PA 16646

[Township or Borough] Hastings Borough and Elder Township

Responsible Official Eugene M. Rogal, President  
 Hastings Municipal Authority  
 207-1 Fifth Avenue  
 PO Box 559  
 Hastings, PA 16646

Type of Facility Water system

Consulting Engineer Stiffler, McGraw and Associates, Inc.  
 1731 North Juniata Street  
 Hollidaysburg, PA 16648

Application Received Date March 31, 2014

Description of Action Replacement of the existing 6-inch diameter distribution system in the Slickport area of Elder Township with new 8-inch diameter waterlines, meters and fire hydrants.

**Permit No. 1114507MA, Minor Amendment.**

Applicant	<b>Hastings Municipal Authority</b> 207-1 Fifth Avenue PO Box 559 Hastings, PA 16646
[Township or Borough]	Hastings Borough and Elder Township
Responsible Official	Eugene M. Rogal, President Hastings Municipal Authority 207-1 Fifth Avenue PO Box 559 Hastings, PA 16646
Type of Facility	Water system
Consulting Engineer	Stiffler, McGraw and Associates, Inc. 1731 North Juniata Street Hollidaysburg, PA 16648
Application Received Date	March 31, 2014
Description of Action	Replacement of the existing transite raw water transmission main from the Mine Spring raw water reservoir to the existing Hastings water treatment plant with new 8-inch diameter ductile iron waterline.

**Permit No. 1114508MA, Minor Amendment.**

Applicant	<b>Hastings Municipal Authority</b> 207-1 Fifth Avenue PO Box 559 Hastings, PA 16646
[Township or Borough]	Hastings Borough and Elder Township
Responsible Official	Eugene M. Rogal, President Hastings Municipal Authority 207-1 Fifth Avenue PO Box 559 Hastings, PA 16646
Type of Facility	Water system
Consulting Engineer	Stiffler, McGraw and Associates, Inc. 1731 North Juniata Street Hollidaysburg, PA 16648
Application Received Date	March 31, 2014
Description of Action	Upgrades to the water treatment plant process systems.

## 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:

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

**SECV Bloomsburg HUB**, 1005 East 7th Street, Town of Bloomsburg, **Columbia County**. Molesevich Environmental LLC, P. O. Box 654, Lewisburg, PA 17837, on behalf of Service Electric Cablevision, 4949 Liberty Lane, Suite 400, Allentown, PA 18106, submitted a Notice of Intent to Remediate. Soil contamination was confirmed and about 100 tons of gasoline contaminated soil were excavated and staged on site/plastic for disposal. The intended use of the property will be commercial communications hub for Service Electric Cablevision. The Notice of Intent to Remediate was published in *Press Enterprise* on January 30, 2014.

**WDS Realty Super Shoes Store**, 2929 Lycoming Mall Drive, Fairfield Township, **Lycoming County**. Molese-

vich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837, on behalf of WDS Realty, P. O. Box 1499, Cumberland, MD 21501 submitted a Notice of Intent to Remediate. Soil contamination was confirmed and 17.03 tons of heating oil contaminated soil was removed from the source area and disposed at the Lycoming County Landfill. The intended use of the property will remain commercial. The Notice of Intent to Remediate was published in the *Williamsport Sun-Gazette* on January 31, 2014.

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

**Catherine Woynarowski Residence**, 1850 Lorraine Road, City of Reading, **Berks County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Catherine Woynarowski, 2000 Cambridge Avenue, Apt. # 127, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an underground storage tank. The site will be remediated to the Site-Specific standard and remain residential. The Notice of Intent to Remediate was published in the *Reading Eagle* on February 25, 2014.

**Former Metron Site**, 400 South Cameron Street, City of Harrisburg, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Brittany Capital, LLC, 4720 Gettysburg Road, Suite 201B, Mechanicsburg, PA 17055, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline and No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard and remain commercial. The Notice of Intent to Remediate was published in *The Patriot News* on March 6, 2014.

**George Sultzaberger Property**, 1716 Wayne Street, Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of George Sultzaberger, 1716 Wayne Street, Harrisburg, PA 17104, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard and remain residential. The Notice of Intent to Remediate was published in *The Patriot News* on March 13, 2014.

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

**Guardian Industries Corp.**, 1000 Glasshouse Road, Jefferson Hills Borough, **Allegheny County**. ARCADIS, 310 Seven Fields Blvd., Suite 210, Seven Fields, PA 16046 on behalf of Guardian Industries Corp., 1000 Glasshouse Road, Jefferson Hill, PA 15025 has submitted a Notice of Intent to Remediate to meet the Site Specific Standard concerning site soils and groundwater contaminated with aluminum, arsenic, cobalt, iron, manganese, selenium, lead, hydrocarbons and separate phase liquid. Future use of the property is non-residential. This notice was published in the *Pittsburgh Post-Gazette* on March 12, 2014.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This

approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

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

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

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

**46-0285: Montgomery County Crematory, LLC** (516 Fayette Street, Conshohocken, PA 19428; Attn: Mr. William L. Ciavarelli) for installation of a 175 lb/hr Matthews Human Cremation Unit at an existing funeral home in Conshohocken Borough, **Montgomery County**. This facility is a non-Title V facility. The cremation unit will be equipped with an afterburner and an opacity monitor. The new cremation unit will have the following potential emission: 2.68 TPY of PM, PM-10, and PM-2.5; 0.96 TPY of SO<sub>x</sub>; 3.83 TPY of CO; 1.15 TPY of NO<sub>x</sub>; and 1.15 TPY of VOC. Emissions of PM are expected to be less than 0.08 grains per dry standard cubic feet, corrected to 7 percent O<sub>2</sub>. Emissions of SO<sub>x</sub> are expected to

be less than 500 ppmv. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0040B: National Label Co., Inc.** (2025 Joshua Road, Lafayette Hill, PA 19444) to route the air emissions from an existing Fisher-Kreke Gravure Press/Laminator Press (Source 101) to the new regenerative thermal oxidizer (Source C03) in Whitemarsh Township, **Montgomery County**. The plan approval is for a non-Title V facility and will consist of a change of duct work from an existing RTO to a new RTO. Post-controlled potential VOC emissions are calculated to be no more than 17.1 tons (including cleanup operations), while projected actual VOC emissions (including clean-up operations) will not exceed 9.2 tons/yr. Overall emissions will decrease as the new RTO has a greater reduction efficiency (98%) compared to the old RTO (90%). The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**22-03084A: Hoover-Boyer Funeral Home/Millersburg** (118 South Market Street, Millersburg, PA 17061) for operation of their crematory in Millersburg Borough, **Dauphin 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 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 #22-03084A is for the operation of a Matthews, Model Power Pak—PPII, Crematory for human cremation. The secondary combustion chamber will control the emissions. The company shall be subject to and comply with 25 Pa. Code § 123.21 for sulfur emission limits. 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 actual air emissions from the proposed project are 1.0 tpy of PM, 1.4 tpy of CO, 0.4 tpy of NO<sub>x</sub> and 0.4 tpy of VOC.

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.

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.

Plan approvals issues 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.

**22-03085A: Hoover-Boyer Funeral Home/Elizabethville** (103 West Main Street, Elizabethville, PA 17023) for operation of their crematory in Elizabethville Borough, **Dauphin 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 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 #22-03085A is for the operation of a Matthews, Model Power Pak—PPJr, Crematory for human cremation. The secondary combustion chamber will control the emissions. The company shall be subject to and comply with 25 Pa. Code § 123.21 for sulfur emission limits. 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 actual air emissions from the proposed project are 1.0 tpy of PM, 1.4 tpy of CO, 0.4 tpy of NO<sub>x</sub> and 0.4 tpy of VOC.

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.

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.

Plan approvals issues 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.

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

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**65-01017A: Mountain Gathering, LLC** (810 Houston Street, Fort Worth, TX 76102) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-65-01017A to allow the installation and initial temporary operation of a natural gas compression facility known as the Westmoreland Compressor Station located in Fairfield Township, **Westmoreland County**. Sources include eight (8) new Caterpillar G3606 LE lean burn natural gas-fired compressor engines each rated at 1,775 bhp controlled by oxidation catalysts, one (1) 60 MMscfd tri-ethylene glycol dehydrator controlled by condenser, flare, and recycle, and three (3) produced water storage tanks.

Potential to emit from the facility is estimated to be 70.98 tons of nitrogen oxides (NO<sub>x</sub>), 29.97 tons of carbon monoxide (CO), 39.77 tons of volatile organic compounds (VOC), 4.27 tons of formaldehyde (HCHO), 8.25 tons of total hazardous air pollutants (HAPs), and 64,663 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. Best available technology (BAT) for the proposed natural gas-fired engines is ultra-lean burn combustion technology, installation and proper operation of oxidation catalysts, and good combustion practices including the use of air/fuel ratio controllers and proper maintenance and operation. BAT for the dehydrator is control by a condenser, flare, flash gas recycle. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31 and 123.41. Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart JJJJ for spark ignition internal combustion engines, 40 CFR Part 60 Subpart OOOO for crude oil and natural gas production, transmission and distribution, and Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) including 40 CFR Part 63 Subpart HH for oil and natural gas production facilities also apply. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit 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 Alexander Sandy, 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-65-01017A) 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 Alexander Sandy at 412-442-4028.

**11-00529A: Ebensburg Animal Hospital** (922 Rowena Dr, Ebensburg, PA 15931). 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-11-00529A to authorize construction and temporary operation of one (1) Matthews International-Cremation Division IEB-16 natural gas-fired crematory incinerator at the above identified facility located in Ebensburg Borough, **Cambria County**. The proposed crematory incinerator has a maximum cremation rate of 100 lbs/hr and a maximum charge capacity of 750 lbs.

The proposed crematory incinerator has an annual potential to emit (PTE) of less than 1 ton each of nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), total particulate matter (PM, PM<sub>10</sub>, and PM<sub>2.5</sub>), and volatile organic compounds (VOC); and less than 0.1 ton of total hazardous air pollutants (HAP). Best available technology (BAT) for the proposed crematory incinerator includes good combustion practices; operation and maintenance in accordance with the manufacturer’s specifications and instructions; multi-chamber design with a minimum secondary chamber temperature of 1800°F; and a pollution control system with stack opacity monitor. The authorization is subject to applicable State regulations including 25 Pa. Code §§ 123.1, 123.2 and 123.31. The proposed Plan Approval has been conditioned to ensure compliance with all applicable rules and includes limitations on emissions and hours of operation, and work practice, monitoring, recordkeeping, and reporting requirements.

A person may oppose the proposed plan approval by filing a written protest with the Department through Devin P. Tomko, 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-11-00529A) 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.

For additional information you may contact Devin P. Tomko at 412-442-5231.

## OPERATING PERMITS

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

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

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

**46-00162: Hammond Lead Products, Inc.** (10 South Grosstown Road, Pottstown, PA 19464) located in West Pottsgrove Township, Montgomery County, for operation of a lead oxide manufacturing plant located in West Pottsgrove Township, **Montgomery County**. Particulate matter and lead emissions from each source are collected by baghouses and then controlled by high efficiency particulate air (HEPA) filter systems.

The existing facility is considered a Title V facility as of March 21, 2013 due to a National Emission Standard for Hazardous Air Pollutants (NESHAP) requirement. All sources located at the facility are subject to the requirements of 40 CFR Part 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (producing NAICS Code 325 materials). The facility is an area source for Hazardous Air Pollutants (HAP). The Title V Operating Permit will supersede the Natural Minor Operating Permit in its entirety. There are no new sources at this facility; however, new source identification numbers have been created in order to separate grouped sources. The permit contains all applicable requirements including monitoring, recordkeeping and reporting. The Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64 do not apply to sources located at Hammond according to 40 CFR § 64.2(b)(1)(i). The NEHSAP standard for lead (a metal HAP) emissions applicable to Hammond (40 CFR Part 63 Subpart VVVVVV) was proposed by the Administrator after November 15, 1990 pursuant to Section 112 of the Act. The source is not a major source for Greenhouse Gases (GHG).

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

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

**05-05021: Hill & Smith Holdings, Inc. dba Creative Pultrusions Inc.** (214 Industrial Lane, Alum Bank, PA 15521-8304) for operation of their fiberglass reinforced plastic composite products manufacturing facility in West Saint Clair Township, **Bedford County**. This action is a renewal of the Title V Operating Permit issued in 2009.

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's actual emissions for 2013 were reported as 5.6 tons per year of volatile organic compounds (VOC) and 5.6 tons per year of hazardous air pollutants (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 40 CFR Part 63, Subpart WWWW—National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production, 40 CFR Part 63, Subpart PPPP—National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products, 40 CFR Part 63, Subpart N—National Emissions Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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 Elmerston 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 A. Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

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

**06-05097: Berks Products Corp.** (167 Berks Products Lane, Leesport, PA 19533) for their quarry and stone crushing operations in Ontelaunee Township, **Berks 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 actual emissions in 2013 of 7.8 tpy of CO, 2.0 tpy of NO<sub>x</sub>, 9.6 tpy of PM<sub>10</sub>, 0.2 tpy of SO<sub>x</sub> and 0.2 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. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants, 40 CFR Part 63 Subpart CCCCC—National Emissions Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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 Elmerston 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.

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.

**67-03007: Apex Tool Group, LLC** (3990 East Market Street, York, PA 17402) for their steel chain manufacturing facility in Springettsbury Township, **York County**. This is a renewal of the facility's state-only air quality operating permit.

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 subject facility employs furnaces, polishing and plating equipment to produce steel chain for national retailers. Fabric filters and a wet scrubber are used to control emissions. The facility has the potential to emit several tons of particulate matter (PM) per year. Actual operating hours and emissions are well below maximum estimated levels. 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.

William R. Weaver, Regional Air Quality Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**34-03003: Empire Kosher Poultry, Inc.** (247 Empire Drive, Mifflintown, PA 17059) for the poultry processing operation in Walker Township, **Juniata 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 actual emissions are estimated at 1.3 tons of CO, 5.0 tons of NO<sub>x</sub>, 17.9 tons of SO<sub>2</sub>, and less 1.0 ton of PM.

The facility is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standard for Area Sources of Hazardous Air Pollutants (HAPs) for Industrial, Commercial, and Institutional Boilers, and to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. 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.

**44-03010: Trinity Packaging Corporation** (13 Industrial Park Road, Lewistown, PA 17044) for operation of manufacturing, laminating and coating of plastic bags in Granville Township, **Mifflin 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 2013 actual emissions of the facility were 6.9 tons of VOC per year, and 0.2 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise



statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-03117: GEA Refrigeration NA** (3475 Board Road, York, PA 17406-8414) for paint spray booths located in Manchester Township, **York County**. This is a renewal of their State-Only Operating Permit issued in December 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.

GEA Refrigeration is a natural minor facility subject to the operating permit requirements of 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements). The facility manufactures commercial refrigeration specialty products. The primary emissions from the facility are volatile organic compounds. The actual VOC emissions from the painting is less than 10 tpy; the facility's potential VOC emissions are approximately 20 tpy.

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.

**36-05076: Lancaster General Hospital** (555 North Duke Street, Lancaster, PA 17604) for operation of their medical and surgical hospital facility in the City of Lancaster, **Lancaster County**. This is a renewal of the State-Only Operating Permit issued in 2009.

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's actual emissions for 2012 were reported as 5.58 tpy CO, 6.88 tpy NO<sub>x</sub>, 0.50 tpy PM<sub>10</sub>, 0.07 tpy SO<sub>x</sub>, 0.55 tpy VOC, 0.12 tpy of combined HAPs & 0.12 tpy of a single HAP. 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 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units & 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

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.

Thomas Hanlon, Facilities Permitting Chief, Air Quality Program, 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.

**21-05049: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) for their hot mix batch asphalt plant in Penn Township, **Cumberland County**. This is a renewal of the facility's state-only air quality operating permit.

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 asphalt plant's actual operating hours and air emissions are well below maximum allowable levels. Particulate matter (PM), nitrogen oxides (NO<sub>x</sub>) and sulfur dioxides (SO<sub>x</sub>) emissions from the subject asphalt plant are capped at 100 tons per year for each pollutant. Actual PM emissions are generally less than 5 tons per year, NO<sub>x</sub> emissions are generally less than 15 tons per year and SO<sub>x</sub> emissions are generally less than 10 tons 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.

William R. Weaver, Regional Air Quality Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**21-03049: Pyrotek, Inc.** (1285 Claremont Road, Carlisle, PA 17013) for their refractory products manufacturing facility in Middlesex Township, **Cumberland County**. This is a renewal of the facility's state-only air quality operating permit.

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 subject facility employs ovens and milling/machining equipment to produce shaped refractory products. Fabric filters are used to control emissions from the manufacturing operations. The facility has the potential to emit several tons of particulate matter (PM) per year. Actual operating hours and emissions are well below maximum estimated levels. 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.

William R. Weaver, Regional Air Quality Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**21-05021: Mechanicsburg Term. Corp.—Mechanicsburg North Terminal** (PO Box 2621, Harrisburg, PA 17105) for a petroleum product loading terminal located in Silver Spring Township, **Cumberland County**. This is a renewal of their State-Only Operating Permit issued in March 2009.

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.

Mechanicsburg North Terminal 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 facility is a petroleum product bulk storage and truck loading terminal. The primary emissions from the facility are the volatile organic compounds. The actual VOC emissions in 2012 was 31 tons.

The Loading Racks are subject to 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals. The Storage Tanks (permit Section E Group 3) are subject to 40 CFR 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. 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 800 kw engine generator is subject to 40 CFR part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The No. 2 oil fired three boilers are subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

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.

**06-03093: Reading Materials, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for the railroad car unloading facility in Cumru Township, **Berks 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 actual emissions of less than one tpy of PM. 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 40 CFR 60 Subpart OOO.

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.

Mr. Thomas Hanlon, Chief, Air Quality Permitting 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: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00483: Danzer Veneer Americas / Darlington Plant** (119 A.I.D. Drive, Darlington, Pa 16115) for the operation of a veneer processing plant located Darlington Township, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue a renewal Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of two clipping lines where veneer is trimmed to desired size. All wood waste is collected, sent to a chipper controlled by a 40,000 cfm baghouse and deposited into a silo for storage. Wood waste is used to fuel the 8.75 MMBtu biomass boiler. The boiler is used for building heat only. The facility's potential emissions are based on the heat season of 5,040 hours per year and AP-42 emission factors for the boiler and maximum operation of the baghouse: 10.81 tpy NO<sub>x</sub>; 13.23 tpy CO; 0.60 tpy SO<sub>x</sub>; 0.38 tpy VOC; 6.23 tpy PM, and 1.83 tpy PM<sub>10</sub>. The proposed authorization is subject to State and Federal Regulations (JJJJJ). The permit

includes operational requirements, monitoring requirements, and recordkeeping 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, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing 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.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 04-00483) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

**04-00718: Three Rivers Aggregates, LLC / Palmer Plant** (1807 Shenango Road, New Galilee, PA 16141) for sand and gravel processing plant located Darlington Township, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue an initial Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of two crushers, three screens, one feed bin, one sand classifier, various conveyors and stackers. The facility also operates a 2,346 hp diesel fired engine that provides power to the processing equipment and a 275 hp diesel fired engine that provides power to one crusher and one hopper. The 2,346 hp engine is limited to a fuel usage of 58,882 gallons/year. The maximum production at this site is limited to 396,200 tons per year. The process is controlled by wet dust suppression system and a water truck for the haul roads and stockpiles. The facility's potential emissions are calculated to be 11.27 tpy NO<sub>x</sub>, 3.29 tpy CO, 1.52 tpy SO<sub>x</sub>, 1.86 tpy VOC, 0.87 tpy HAPs, 22.41 tpy PM, and 10.14

tpy PM<sub>10</sub>. The facility is required to perform daily visual inspections of the site. The facility is required to maintain daily records of processed material throughput, hours of operations and monthly fuel usage. The proposed authorization is subject to State and Federal Regulations (OOO and IIII). The permit includes additional operational requirements, monitoring requirements, and recordkeeping 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, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing 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.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 04-00718) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

#### PLAN APPROVALS

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

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

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

**48-00012A: American Nickeloid Co.** (131 Cherry Street, Walnutport, PA 18088) for their facility in Walnutport Borough, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to American Nickeloid Company (131 Cherry Street, Walnutport, PA 18088) for their facility located in Walnutport Borough, Northampton County. This Plan Approval No. 48-00012A will be incorporated into a State Only Operating Permit through an administrative amendment at a later date.

Plan Approval No. 48-00012A is for reactivation of source previously operated at the facility. This facility is a Non Title V facility. The company has applied to start up one (1) existing metal coil coating line, including associated pretreatment operations, dryers and associated existing REECO regenerative thermal oxidizer at the facility. The metal coating line will be used to apply adhesive to a continuous strip of metal coil. The VOC content of adhesive is 80% maximum by weight. The oven associated with the coating line will be exhausted into thermal oxidizer for VOC emissions destruction with 100 % capture efficiency. The oxidizer will destroy 98% of captured VOCs. Estimated VOC emissions will be less than 2.05 tons/year from this coating line. The use of thermal oxidizer to destroy VOC emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.: 48-00012A 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.

**54-00060A: Louis D. Truskowsky Funeral Home, Inc.** (300 West Center Street, Mahanoy City, PA 17948) for their facility located in South Manheim Township, **Schuylkill 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 Louis D. Truskowsky Funeral Home Inc. (300 West Center Street, Mahanoy City, PA 17948) for their facility

located in South Manheim Twp., Schuylkill County. This Plan Approval No. 54-00060A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-00060A is for the operation of a human cremator. This facility is a Non Title V facility. The company has applied to operate the cremator without interlock system & opening of the chamber before it cools to 1500 OF as required by existing operating permit. No other changes were proposed from existing operating permit. Presently the cremator is operating under General Operating Permit GP14 requirements. The company shall comply with 123.41 for opacity. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.: 54-00060A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

**37070301 and NPDES Permit No. PA0258407. Terra Resources, LLC** (267 Gilmore Road, Enon Valley, PA 16120) Renewal of an existing large industrial minerals mine and associated NPDES permit in Slippery Rock Township, **Lawrence County**, affecting 74.0 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 25, 2014.

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

**Permit No. 35840203R6. CSY, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in City of Scranton and Taylor Borough, **Lackawanna County** affecting 61.5 acres, receiving stream: Lackawanna River, classified for the following use: cold water fishes. Application received: March 17, 2014.

### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**65110601 and NPDES Permit No. PA0252107. New Stanton Stone, LLC** (252 Seanor Church Road, New Stanton, PA 15672). Application received for transfer of permit currently issued to C. H. & D. Enterprises, Inc., for continued operation and reclamation of a noncoal surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 21.1 acres. Receiving streams: Sewickley Creek to Youghiogheny River, classified for the following use: warm water fishes. The first downstream potable water supply intake is greater than ten miles from the point of discharge. Transfer application received: February 21, 2014.

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

**37090302 and NPDES Permit No. PA0258768. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to add 20.1 acres in Slippery Rock Township, **Lawrence County**, affecting a total of 104.1 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. This submission also includes a request to renew the NPDES permit and revise the location of ponds. Application received: March 21, 2014.

#### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

##### *Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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

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

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

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

\* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0214787 (Mining Permit No. 03961301), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal to the NPDES and mining activity permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**. This NPDES draft permit is also being published in compliance with 25 Pa. Code Section 92a.88, as the result of a settlement of an Environmental Hearing Board appeal at EHB Docket No. 2010-084-R. Surface Acres Affected 63.4. Underground Acres Affected: 6,569.6 Receiving stream: Roaring Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. Receiving stream: Unnamed Tributary to Roaring Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. Receiving stream: Unnamed Tributary to Carnahan Run, classified for the following use: WWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on January 23, 2012. Application received September 19, 2011.

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

*Outfall 001 discharges to: Roaring Run*

*The proposed effluent limits for Outfall 001 (Lat: 40° 43' 13" Long: 79° 30' 42") are:*

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	0.07	-
Iron	(mg/l)	1.5	2.34	3.75
Manganese	(mg/l)	1.0	1.56	2.5
Aluminum	(mg/l)	0.75	0.75	0.75
Total Suspended Solids	(mg/l)	35	70	90
Specific Conductance	(mos/kg)	3584	7168	8960

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Sulfate	(mg/l)		-	-	Report
Chloride	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report

*Outfall 002 discharges to: Roaring Run*

*The proposed effluent limits for Outfall 002 (Lat: 40° 34' 14" Long: 79° 30' 37") are:*

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)		-	0.1	-
Iron	(mg/l)		1.5	2.34	3.75
Manganese	(mg/l)		1.0	1.56	2.5
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	81	125
Sulfate	(mg/l)		-	-	Report
Chloride	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report

*Outfall 003 discharges to: UNT 9 to Roaring Run*

*The proposed effluent limits for Outfall 003 (Lat: 40° 34' 14" Long: 79° 30' 55") are:*

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)		-	4.6	-
Iron	(mg/l)		1.5	2.34	3.75
Manganese	(mg/l)		1.0	1.56	2.5
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	81	125
Sulfate	(mg/l)		-	-	Report
Chloride	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report

*Outfall 004 discharges to: UNT A to Carnahan Run*

*The proposed effluent limits for Outfall 004 (Lat: 40° 37' 55" Long: 79° 30' 21") are:*

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)		-	0.16	-
Iron	(mg/l)		1.5	2.34	3.75
Manganese	(mg/l)		1.0	1.56	2.5
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Sulfate	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report

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

**NPDES No. PA0269361 (Mining Permit No. 56130111), Coal Loaders, Inc.**, 210 East Main Street P. O. Box 556 Ligonier, PA 15658-0556, new NPDES permit for discharges resulting from surface coal mining in Stonycreek Township, **Somerset County**, affecting 44.9 acres. Receiving stream: Stonycreek River, classified for the following use: Cold Water Fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 3, 2014.

The outfall listed below discharges to Stonycreek River:

Outfall Nos.	New Outfall (Y/N)
001	Y

The outfalls listed below require a non-discharge alternative:

Outfall Nos.	New Outfall (Y/N)
002	Y
003	Y

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of infiltration galleries. The only potential point source discharges to surface water are the discharges from the emergency spillway of a sediment pond during precipitation that exceeds a 10 yr/24 hr event. Instantaneous maximum BAT limits will be applied to the outfall effluent entering the infiltration galleries for the protection of the groundwater. Effluent limits for the emergency spillway are as follows:



*Outfalls: 001 Sediment Pond Emergency Spillway**(During >10-yr/24-hr Precipitation Event)  
Parameter**30-Day  
Average**Daily  
Maximum**Instant.  
Maximum*

Total Suspended Solids (mg/L) N/A  
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
 Alkalinity must exceed acidity at all times

**NPDES No. PA0598364 (Mining Permit No. 56890101), Croner, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 226.6 acres. Receiving stream: unnamed tributary to Buffalo Creek, classified for the following use: cold water fishery. This receiving stream is included in the Buffalo Creek TMDL. Application received: March 3, 2014.

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 stormwater outfall listed below discharge to unnamed tributary to Buffalo Creek:

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

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

**NPDES No. PA0269531 (Mining permit no. 17120104) AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, new NPDES permit for bituminous surface mine in Cooper Township, **Clearfield County**, affecting 584.9 acres. Receiving stream(s): Weber Run and Unnamed Tributaries A, B, C and D to Moshannon Creek classified for the following use(s): CWF, MF (Moshannon Creek TMDL). Application received: October 4, 2012.

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

The outfall(s) listed below discharge to Weber Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (SP-1)	Yes
002 (SP-2)	Yes
003 (SP-3)	Yes
013 (SP-4)	Yes

The outfall(s) listed below discharge to Unnamed Tributary "A" to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
004 (SP-5)	Yes
005 (SP-6)	Yes
006 (SP-7)	Yes
007 (SP-8)	Yes

The outfall(s) listed below discharge to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
008 (SP-9)	Yes

The outfall(s) listed below discharge to Unnamed Tributary "B" to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
009 (SP-10)	Yes
010 (SP-11)	Yes

The outfall(s) listed below discharge to Unnamed Tributary C to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
011 (SP-12)	Yes

The outfall(s) listed below discharge to Unnamed Tributary "D" to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
012 (SP-13)	Yes

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
014 (TB-1)	Yes
015 (TB-2)	Yes
016 (TB-3)	Yes
017 (TB-4)	Yes
018 (TB-5)	Yes
019 (TB-6)	Yes
020 (TB-7)	Yes

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
021 (TB-8)	Yes
022 (TB-9)	Yes
023 (TB-10)	Yes
024 (TB-11)	Yes

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

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0225305 on Surface Mining Permit No. 58900303. Cecil Kilmer**, (363 SR 374, Nicholson, PA 18446), new NPDES Permit for a bluestone quarry operation in New Milford Township, **Susquehanna County**, affecting 26.5 acres. Receiving stream: Salt Lick Creek, classified for the following use: HQ-cold water fishes. Application received: June 8, 2012.

Non-discharge BMP's shall be in effect.

**NPDES Permit No. PA0225428 on Surface Mining Permit No. 64140801. Joshua Smith**, (23 Forester Boulevard, Hancock, NY 13783), new NPDES Permit for a sandstone and shale quarry operation in Scott Township, **Wayne County**, affecting 5.25 acres. Receiving stream: Delaware River, classified for the following use: HQ—cold water and migratory fishes. Application received: January 23, 2014. Non-discharge BMP's shall be in effect.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1101. Gary Graham, Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676, Franconia Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain stream enclosure about 80-feet long with minor relocation and outfall of small intermittent tributary of 9 acres to East Branch of Perkiomen Creek (TSF). This is required for replacing the east side abutment of Morwood Road bridge over the PA Turnpike Northeast Extension (I-476). Also construct and maintain the outfall from storm water basin to East Branch of Perkiomen Creek.

The site is located at east side abutment of Morwood Road bridge and PA Turnpike Northeast Extension (I-476) (Perkiomenville, PA USGS Quadrangle Latitude: 40.31972; Longitude: -75.37667).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511. E45-588*

**Kalahari Resorts, LLC**, 1305 Kalahari Drive, P. O. Box 590, Wisconsin Dells, WI 53965

**Pocono Manor Investors PT-1**, P. O. Box 38, The Inn at Pocono Manor, Pocono Manor, PA 18349

**Tobyhanna Township**, 105 Government Center Way, Pocono Pines, PA 18350, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

1) A 12-foot wide gravel road crossing and two 12-inch diameter ductile iron water line utility crossing of Indian Run (EV) and 130-L.F. of the floodway consisting of a 90-L.F., 36-inch diameter HDPE culvert with concrete wingwalls and

riprap apron. The impacts is located 0.2 mile northeast of the intersection of S.R. 314 and Manor Drive (Pocono Pines, PA Quadrangle Latitude: 41° 06' 25"; Longitude: -75° 22' 46") in Pocono Township, Monroe County.

2) A 12-inch diameter ductile iron water line utility crossing of an Unnamed Tributary to Indian Run (EV) and 115-L.F. of the floodway. The impacts is located 0.4 mile east of the intersection of S.R. 314 and Fairview Ave (Mount Pocono, PA Quadrangle Latitude: 41° 06' 12"; Longitude: -75° 22' 00") in Pocono Township, Monroe County.

3) A 12-inch diameter ductile iron water line utility crossing of an Unnamed Tributary to Indian Run (EV) and 150-L.F. of the floodway. The impacts is located 0.4 mile east of the intersection of S.R. 314 and Fairview Ave (Mount Pocono, PA Quadrangle Latitude: 41° 06' 12"; Longitude: -75° 22' 00") in Pocono Township, Monroe County.

4) An 8-inch diameter HDPE force main sewerage utility line crossing and a 6-inch diameter HDPE force main sewerage utility line crossing of Swiftwater Creek (EV) and 80-L.F. of the floodway. The impacts is located 0.5 mile southeast of the intersection of S.R. 314 and Swiftwater Ave (Mount Pocono, PA Quadrangle Latitude: 41° 06' 1.6"; Longitude: -75° 20' 54.6") in Pocono Township, Monroe County.

5) A 12-inch diameter ductile iron water line utility crossing of Swiftwater Creek (EV) and 48-L.F. of the floodway. The impacts is located 0.5 mile southeast of the intersection of S.R. 314 and Swiftwater Ave (Mount Pocono, PA Quadrangle Latitude: 41° 06' 1.6"; Longitude: -75° 20' 54.6") in Pocono Township, Monroe County.

6) A 12-inch diameter ductile iron water line utility crossing, an 8-inch diameter HDPE force main sewerage utility line crossing, and a 6-inch diameter HDPE force main sewerage utility line crossing of Swiftwater Creek (HQ-CWF) and 60-L.F. of the floodway. The impacts is located 0.3 mile northwest of the intersection of S.R. 314 and S.R. 611 (Mount Pocono, PA Quadrangle Latitude: 41° 05' 56.3"; Longitude: -75° 20' 4.2") in Pocono Township, Monroe County.

7) An 8-inch diameter HDPE force main sewerage utility line crossing and a 6-inch diameter HDPE force main sewerage utility line crossing of Swiftwater Creek (EV) and 113-L.F. of the floodway. The impacts is located 0.7 mile west of the intersection of S.R. 314 and Summit Road (Mount Pocono, PA Quadrangle Latitude: 41° 06' 1.6"; Longitude: -75° 20' 56.3") in Pocono Township, Monroe County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-924: Alexih City Holdings, LLC.**, 2372 Franklin Road, Columbia, Pennsylvania, 17512, in Manheim Township, Lancaster County, ACOE Baltimore District

To 1.) construct and maintain a 55.0-foot long by 5.0-foot wide pedestrian bridge over Bachman Run (TSF-MF); 2.) construct and maintain a swale lined with R-5 rip-rap in the floodway of Bachman Run (TSF-MF); and 3.) install and maintain an 8.0-inch PVC sanitary sewer line across an unnamed tributary to Bachman Run (TSF-MF), all for the purpose of providing safe access to a pedestrian trail system. The project is located near the Petersburg Road (SR 0722) crossing of Bachman Run (Latitude 40°06'22.66", Longitude -76°19'32.40") in Manheim Township, Lancaster County. No wetlands will be impacted by this project.

**E01-308: Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325-3307, Gettysburg Borough, Adams County, ACOE Baltimore District

The applicant proposes to (1) remove the existing structure and to install and maintain a 48.0-inch sanitary sewer line in and across an unnamed tributary to Rock Creek (WWF, MF); (2) install and maintain a 42.0-inch sanitary sewer line in and across an unnamed tributary to Rock Creek and its associated wetlands(WWF, MF); (3) remove the existing structure and to install and maintain a 36.0-inch sanitary sewer line in and across Stevens Run (WWF, MF) all for the purpose of upgrading an existing sewage collection system. The project originates southeast of East Middle Street and South Sixth Street in the Borough of Gettysburg and extends north and east to the intersection of Hazel Alley and East Water Street in Gettysburg Borough and Cumberland Township, Adams County (Gettysburg, PA Quadrangle, Beginning at Latitude: 39°50'2.4", Longitude: -77°13'42.2" and ending at Latitude: 39°20'7.4", Longitude: -77°13'34.3").

*Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh PA, 15222*

**E63-07-007: Rice Poseidon Midstream, LLC** 171 Hillpointe Dr Ste 301 Canonsburg, PA 15317, Washington Township, Westmoreland County, ACOE Pittsburgh District.

Rice Poseidon Midstream, LLC is proposing to install the Jaybird Pipeline that will begin at the Back Nine Pond/Swagler Loop (40° 6' 39.1", -80° 3' 5.98") and will terminate at the Zorro to EQT pipeline (40° 5' 42.87", -80° 2' 25.73"). The project is located within the Ellsworth USGS 7 1/2 Minute Quadrangle Map. The project will include installation of a 1.37-mi long 24-inch diameter steel natural gas pipeline and an 18-inch diameter HDPE waterline. The project is a Joint Permit Application due to the crossing of a wetland which is greater than 10 acres on National Wetland Inventory maps. This wetland was field verified to be 7.925 acres in size. The project will result in one (1) wetland crossing and one (1) watercourse crossing, resulting in a total of 917 ft<sup>2</sup> of permanent wetland impact and 20 linear feet of permanent stream impact.

Each of the following crossings will be crossed by horizontal directional drilling by the two (2) pipes mentioned above:

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Wetland 01	40° 6' 12.01", -80° 2' 48.03"	Temporary:	0 acre
Palustrine Emergent (PEM),		Permanent:	917 ft <sup>2</sup> (0.02 ac)
Palustrine Scrub-Shrub (PSS),			
Palustrine Forested (PFO)			

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Perennial Stream 03 (#24054 South Branch Pigeon Creek) (WWF)	40° 6' 11.04", -80° 2' 45.3"	Temporary:	0 ln. ft.
		Permanent:	20 ln. ft. (0.002 ac)

*Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh PA, 15222*

**E30-07-008: Vista Gathering, LLC**, 480 Johnson Rd Ste 100 Washington PA 15301, Franklin Township, **Greene County**, ACOE Pittsburgh District.

Vista Gathering, LLC is proposing to install the Lamar Trust #1H & Greene County #1H Well Sites Modification Waterline that will begin at the existing Pultorak to Yellow-Jacket Pipeline Right-of-Way (ROW) (39.9025°, -80.124444°) and will terminate at the Lamar #1H Well Pad (39.905°, -80.144722°). The project is located within the Waynesburg and Mather USGS 7 1/2 Minute Quadrangle Map. The project will include installation of a 1.33 mi long 12-inch diameter water pipeline within an existing gasoline ROW. The project requires a Joint Permit Application due to the crossing of a 13.68-acre wetland. The project will result in one (1) wetland crossing and four (4) watercourse crossings resulting in a total of 1,279 ft<sup>2</sup> of temporary wetland impact and 1,280 ft<sup>2</sup> of permanent wetland impact; and 55 linear feet of temporary stream impact and 68 linear feet of permanent stream impact. This Joint Permit also includes the registration of an existing gasoline at the Wetland 2 crossing. This gasoline was originally issued a wetland encroachment permit for a different location. No additional impacts will result.

Wetland 2 will be crossed by the proposed waterline and a timbermat. Streams 1, 2 and 4 will be crossed by the waterline and temporary fill and culverts. Stream 3 will be crossed by the waterline only. Access at this location will be across an existing culvert and access road.

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Wetland 2	39.902081N, -80.140136W	Temporary:	1,279 ft <sup>2</sup> (0.03 ac)
Palustrine Emergent (PEM)		Permanent:	1,280 ft <sup>2</sup> (0.03 ac)

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Perennial Stream 1 (UNT #40422 to South Fork Ten Mile Creek #40293) (WWF)	39.90265N, -80.127378W	Temporary:	20 ln. ft. (0.003 ac)
		Permanent:	22 ln. ft. (0.003 ac)
Perennial Stream 2 (UNT #40424 to South Fork Ten Mile Creek #40293) (WWF)	39.902033N, -80.140253W	Temporary:	20 ln. ft. (0.018 ac)
		Permanent:	16 ln. ft. (0.015 ac)
Perennial Stream 3 (UNT to South Fork Ten Mile Creek #40293) (WWF)	39.901911N, -80.142714W	Temporary:	0
		Permanent:	15 ln.ft. (0.001 ac)
Perennial Stream 4 (UNT to South Fork Ten Mile Creek #40293) (WWF)	39.904339N, -80.144764W	Temporary:	15 ln. ft. (0.002 ac)
		Permanent:	15 ln. ft. (0.002 ac)

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D46-279EA. Robert Fredericks**, Director of Special Projects, Spring Brook Homeowner's Association, 515 Springbrook Lane, Wayne, PA 19087. Upper Merion Township, **Montgomery County**, USACOE Philadelphia District.

Project proposes to remove the Upper Croton Dam for the purpose of eliminating a threat to public safety and restore the stream to a free-flowing condition. The proposed restoration project includes removing the dam and restoring approximately 425 feet of stream channel. The project is located on a tributary to Crow Creek (WWF) (Valley Forge, PA Quadrangle, Latitude: 40.0672; Longitude: -75.3961).

**D54-056EA. Melissa Dyer**, Secretary/Treasurer, Borough of Pine Grove, One Snyder Avenue, Pine Grove, PA 17963. Pine Grove Township, **Schuylkill County**, USACOE Baltimore District.

Project proposes to remove Adams Run Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The proposed restoration project will restore approximately 320 feet of stream channel. The dam is located across Adams Run (CWF) (Pine Grove, PA Quadrangle, Latitude: 40.5851; Longitude: -76.4038).

#### DAM SAFETY

*Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit # 95-7-39455-22, WFN Centralized Wastewater Impoundment "C".**

**Noble Energy Inc.**, 333 Technology Dr, Ste 116, Canonsburg, PA 15317.

Applicant Noble Energy Inc. proposes to operate and maintain the WFN Centralized Wastewater Impoundment "C" Dam as a centralized wastewater impoundment to collect and store 6.6 MG (20.3 ac-ft) of fracturing fluids for the use and re-use of hydraulic fracturing water, to the eight WFN 6 Well Units (AHS ~ HHS) and the four WFN 3 Well Units (BHS, EHS, GHS, and HHS).

PA Quadrangle: Majorsville and Wind Ridge N 39°59'28.57"; W: 80°29'44.86", in West Finley Township, **Washington County**. ACOE: Pittsburgh District

State Water Plan Basin 20-E, Wheeling—Buffalo Creeks (WWF).

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

**D15-181. Sharpless Lake Dam, Jerrehian, A PA General Partnership** (101 West Washington Street, Conshohocken, PA 19428). To modify, operate, and maintain Sharpless Lake Dam across Taylor Run (TSF, MF) for the purpose of meeting the Commonwealth's regulations by constructing a stepped weir in the location of the existing major breach. The elevation of the dam will be increased to allow for the calculated 100-year flood elevation. The increase in elevation will be completed using earthen fill over the existing structure. (Downingtown, PA Quadrangle Latitude: 39.98°; Longitude: -75.6083°) West Goshen Township, **Chester County**.

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to [tankspa.gov](mailto:tankspa.gov). Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

### SSIP

<i>Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
14002	Eco-Energy Distribution— Philadelphia, LLC 725 Cool Springs Boulevard Franklin, TN 37067-2710 Attn: Chadwick Conn	Philadelphia	City of Philadelphia	2 ASTs storing ethanol	7,200,000 gallons total

## ACTIONS

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a

different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0043206 (Sewage)	Trails End Camp WWTP 230 Trails End Road Honesdale, PA 18405	Wayne County Berlin Township	Unnamed Tributary to Beach Lake (01A)	Y
PA0062766 (Sewage)	Henry A. Stout SRSTP 6427 Saddle Road New Tripoli, PA 18066-2127	Lehigh County Heidelberg Township	UNT to Jordan Creek (02C)	Y
PA0060712 (Sewage)	Grace & Truth Evangelistic Association—Rock Mountain Bible Camp P.O. Box 64 South Gibson, PA 18842-0064	Susquehanna County Gibson Township	Unnamed Tributary to Tunkhannock Creek (04F)	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>
PA0104035 (Sewage)	Daily Bread Cafe 2906 Route 155 Port Allegany, PA 16743	McKean County Liberty Township	Allegheny River (16-C)	Y
PA0239488 (Sewage)	Eldred Township WWTP 154 Wood Street, Grand Valley, PA 16420	Warren County Eldred Township	Caldwell Creek (16-E)	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. PA0052965**, Industrial, **Rex Heat Treat-Lansdale Inc.**, PO Box 270, Lansdale, PA 19446-0270.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Stormwater from a facility known as Rex Heat Treat Lansdale to Unnamed Tributary to West Branch Neshaminy Creek in Watershed 2F—Neshaminy.

**NPDES Permit No. PA0244431**, Industrial, **Philadelphia Ship Repair, LLC**, 1915 South 19th Street, Philadelphia, PA 19112.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge industrial wastewater from a facility known as Former Philadelphia Navy Yard—Dry Dock 3 to Delaware River in Watershed 3J.

**NPDES Permit No. PA0052272**, Industrial, **Henry Company**, 336 Cold Stream Road, P.O. Box 368, Kimberton, PA 19442.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated groundwater from a facility known as Henry Company Kimberton Plant to Unnamed Tributary to French Creek in Watershed 3-D.

**NPDES Permit No. PA0056821**, Sewage, **Malvern School of Glen Mills, Inc.**, 20 Creek Road, Glen Mills, PA 19342-1020.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Sewage from a facility known as Malvern School of Glen Mills STP to Chester Creek in Watershed 3-G.

**NPDES Permit No. PA0027987**, Sewage, **HMS Host**, P.O. Box 8, Middletown, PA 17057.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Sewage from a facility known as Peter J. Camiel Service Plaza to Unnamed Tributary to Marsh Creek in Watershed 3-H.

**NPDES Permit No. PA0054186**, Sewage, **PA Department of Corrections—Graterford**, PO Box 246, Collegeville, PA 19426.

This proposed facility is located in Skippack 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 SCI Graterford WWTP to unnamed Tributaries to Perkiomen Creek in Watershed 3E-Perkiomen.

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

**NPDES Permit No. PA0065471**, Stormwater, SIC Code 2851, **Behr Process Corporation**, 7529 Morris Court, Allentown, PA 18106.

This existing facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for an existing discharge of stormwater runoff.

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

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

**WQM Permit No. 6713401, Amendment #1**, Sewerage, **Samuel Shaffer III**, 584 Bull Run Road, Wrightsville, PA 17368.

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

Description of Proposed Action/Activity: Permit approval for construction / operation of a small flow treatment facility consisting of 1,500 gallon multi-compartment Septic tank, ECOFLO Biofilter STB-570 Peat Filter system, a self-cleaning UV unit and 4" diameter outfall to Bull Run at their single family residence.

**WQM Permit No. 3613404**, Sewerage, **Mark Deimler, Strasburg Township**, 400 Bunker Hill Road, Strasburg, PA 17579.

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

Description of Proposed Action/Activity: Permit approval for the construction / operation of an 18,382 gpd recirculating sand filter washwater treatment plant and collection system, followed by a subsurface flow constructed wetland and a shallow placement at-grade disposal bed.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**WQM Permit No. 1908201 A-3**, Industrial Waste, SIC Code 2047, **Del Monte Corp.**, 6670 Low Street, Bloomsburg, PA 17815-8613.

This existing facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: New process wastewater sodium hypochlorite disinfection system.

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

**WQM Permit No. 0214400**, SIC Code 9900, **Castle Shannon Borough Allegheny County**, 3310 McRoberts Road, Castle Shannon, PA 15234.

This proposed facility is located in Castle Shannon Borough, **Allegheny County**.

Description of Proposed Action/Activity: Sanitary sewer relocation.

#### Categorical Exclusion

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

*Location: Pittsburgh Water and Sewer Authority, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh PA 15222*

Description of Proposed Action/Activity: Proposed construction of the LHR Phase 1A—Centre Avenue Combined Sewer Separation Project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a funding source. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

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

<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>
Middletown Township Delaware County	PAI130538	PA State University 25 Yearsley Mill Road Media, PA 19063	Rocky Run—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Watershed</i>
PAI133523— Stormwater	Terre Hill Borough 300 Broad Street PO Box 250 Terre Hill, PA 17581	Lancaster	Terre Hill Borough	15-A / 7-J
PAI133519— Stormwater	East Earl Township 4610 Division Highway East Earl, PA 17519	Lancaster	East Earl Township	7-J
PAI133522— Stormwater	Womelsdorf Borough 101 West High Street Womelsdorf, PA 19567	Berks	Womelsdorf Borough	3-C
PAI133518— Stormwater	Washington Township 120 Barto Road, PO Box 52 Barto, PA 19504	Berks	Washington Township	3-E

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

**PAI136129, MS4, North Strabane Township Washington County**, 1929 Route 519 South, Canonsburg, PA 15317-5128. The application is for a 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 North Strabane Township, **Washington County**. The receiving stream(s), Mouth of Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for High Quality- Warm Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000. The EPA waiver is in effect.

**PAI136109, MS4, Municipality of Murrysville, Westmoreland County**, 4100 Sardis Road, Murrysville, PA 15668. The application is for a 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 Murrysville Borough, **Westmoreland County**. The receiving stream(s), Haymakers Run, Lyons Run, Pucketa Creek, Steels Run and Turtle Creek, is located in State Water Plan watershed 18-A and 19-A and is classified for Trout Stocking and High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000. The EPA waiver is in effect.

**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 1514004	E. Kahn Development Corporation 55 Country Club Drive	Chester	East Whiteland Township	Unnamed Tributary to Valley Creek EV Valley Creek EV



*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>
PAI024508001R	Steve Parisi PO Box 655 Brodheadsville, PA 18322	Monroe	Polk Township	Middle Creek (HQ-CWF, MF) Pohopoco Creek (CWF, MF)
PAI024513012	Arsha Vidya Pitham 651 Route 115 Saylorsburg, PA 18353	Monroe	Hamilton Township Ross Township	Aquashicola Creek (HQ-CWF, MF)
PAI024513013	Trap Enterprises, LLC 41 Mountain View Dr. Tannersville, PA 18372	Monroe	Pocono Township	Scot Run (HQ-CWF, MF)
PAI023913012	Mr. Thomas A. Yorie, Jr. 1221 Cherry Blossom Drive Hazle Township, PA 18202	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033613009	Elam Beiler 51 Esbenshade Road Ronks, PA 17572	Lancaster	Drumore Township	UNT Fishing Creek (HQ-CWF)

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

##### *Facility Location:*

<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>
Upper Chichester Township Delaware County	PAG0200 2312005R	Bodo Group, LLC 576 S. Heilbron Drive Media, PA 19063	Naamans Creek WWF—MF Marcus Hook Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Worcester Township Montgomery County	PAG0200 4613054	Methacton School District 1001 Kriebel Mill Road Eagleville, PA 19403	Skippack Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAG0200 4608149R	Matheson Gas 1401 Stauffer Road Palm, PA 18070	Unnamed Tributary to Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 4613093	Brandywine Realty Trust 555 Lancaster Avenue, Suite 100 Radnor, PA 19087	Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 4613082	Caryle Management Corporation 254 Katonah Avenue P. O. Box 803 Katonah, NY 10536	Pennypack Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Norristown Borough Montgomery County	PAG0200 4613060	Kennedy Kenrick Neighborhood Planning 2461 E. High Street, Suite M-12 Pottstown, PA 19464	Unnamed Tributary to Sawmill Run WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Weisenberg Township Lehigh County	PAG02003913016	Aaron Shutts Advance Stores Co., Inc. a Virginia Corp. 5008 Airport Road Roanoke, VA 24012	Mill Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Upper Saucon Township Lehigh County	PAG02003911007R	Steve Messerschmidt First Horizon Home Loans 165 Madison Avenue, Loan Rehab. Dept. Memphis, TN 38101	Laurel Run, UNT to Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Pittston Township Luzerne County	PAG02004014002	Sewer Authority of Pittston Township Joseph Sperrazza 421 Broad Street Pittston, PA 18640	Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Chestnuthill Township Monroe County	PAG02004512002-1	STJ Williams Family Partnership, Ltd. P.O. Box 3655 Scranton, PA 18505	Weir Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
City of Easton Northampton County	PAG02004813010	David Hopkins City of Easton One South Third Street Easton, PA 18042	Lehigh River (WWF, MF)	Northampton County Conservation District 610-746-1971
Mahanoy Township Schuylkill County	PAG02005413010	Gary Bettis 532 Morea Road Mahanoy City, PA 17948	Mahanoy Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742
Tunkhannock Township Wyoming County	PAG02006614001	D & I Silica, LLC 7022 Route 6 Sheffield, PA 16347	Susquehanna River (WWF, MF)	Wyoming County Conservation District 570-836-2589

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hamilton Township Adams County	PAG02000114002	East Berlin DDP VIII LLC 9010 Overlook Boulevard Brentwood, TN 37027	Beaver Creek (WWF) Conewago Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Carroll Valley Borough Adams County	PAG02000113011(2)	Liberty Mountain Resorts 78 Country Club Trail PO Box SKI Fairfield, PA 17320	Toms Creek (CWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Conewago Township Adams County	PAG02000109017R	Conewago Enterprises, Inc. 660 Edgegrove Road Hanover, PA 17331	South Branch Conewago Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Oxford Township Adams County	PAG02000106014R	Craig Smith 372 North Street McSherrystown, PA 17344	Tributary to Pine Run (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Silver Spring Township Cumberland County	PAG02002114001	Bert & Shelly Wendeln 5 Apaloosa Way Carlisle, PA 17015	Conodoguinet Creek (WWF, MF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Mifflin Township Dauphin County	PAG02002214010	Sylvan Stoltzfus 433 Roller Road Elizabethville, PA 17023	Wiconisco Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02-002214013	Rite Aid Corp 914 South Meadow Lane Palmyra, PA 17078	Beaver Creek (WWF, MF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Middle Paxton and Susquehanna Townships Dauphin County	PAG02002211039R	Dauphin County Commissioners PO Box 1295 Harrisburg, PA 17108-1295	Fishing Creek (WWF) Susquehanna River (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02002212028(2)	Lower Paxton Township Authority 425 Prince Street Suite 139 Harrisburg, PA 17109	Beaver Creek (WWF, MF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wysox Township Bradford County	PAG02000813020	Carl Bankert DMP Northern Tier LP 1952 Waddle Rd State College PA 16803	Laning Creek WWF	Bradford County Conservation District toll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Buffalo Township Union County	PAG02006014004	Matthew Reish 279 Springhouse Rd Lewisburg PA 17837	UNT to Turtle Creek WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams Township Butler County	PAG02001013029	Chase V. Holdings LLC 13 Dewey Lane Gibsonia PA 15044	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Summit Township Erie County	PAG02002514003	Askins Enterprises LLC 2749 Zimmerly Road Erie PA 16506	Le Boeuf Creek TSF	Erie County Conservation District 814-825-6403
City of Corry Erie County	PAG02002513021	Corry Cobblestone LLC 1001 State Street, Suite 319 Erie PA 16501	Hare Creek CWF	Erie County Conservation District 814-825-6403
Pine Township Mercer County	PAG02004314002	Chivers Construction Co Inc 6700 Tow Road Fairview PA 16415	Unt Swamp Run CWF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
West Hazleton Borough Luzerne County	PAR202235	Valmont Newmark Inc. 225 Kiwanis Boulevard West Hazleton, PA 18202	Black Creek—5-D CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
York County / West Manchester Township	PAR203609	Bill Walker Kloekner Metals Corporation 500 Manchester Court York, PA 17404	UNT Codorus Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County / Laureldale Borough	PAR113505	Ed Turtle Yuasa Battery, Inc. 2901 Montrose Avenue Laureldale, PA 19605	UNT Schuylkill River (Bernhart Creek ) / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Danville Borough Montour County (Stormwater)	PAG034804	National Oilwell Varco LP 7909 Parkwood Circle Drive Houston, TX 77036	Sechler Run—5-E	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

*General Permit Type—PAG-8*

*Facility Location:  
Municipality &  
County*

Susquehanna Depot  
Susquehanna  
County

*Permit No.*

PAG08-2204

*Applicant Name &  
Address*

Tri-Boro Municipal  
Authority  
282 Erie Blvd.  
Susquehanna, PA  
18847-1641

*Site Name &  
Location*

Tri-Boro Municipal  
Authority  
Wastewater  
Treatment Plant  
282 Erie Blvd.  
Susquehanna, PA

*Contact Office &  
Phone No.*

PA DEP NERO  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
(570) 826-2511

*General Permit Type—PAG-9*

*Facility Location:  
Municipality &  
County*

Lower Mount  
Bethel Twp.  
Northampton  
County

*Permit No.*

PAG092206

*Applicant Name &  
Address*

Allstate Septic Systems  
5167 Berry Hollow Road  
Bangor, PA 18013

*Site Name &  
Location*

Allstate Septic  
Systems  
5167 Berry Hollow  
Road

*Contact Office &  
Phone No.*

NERO  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
(570) 826-2511

*General Permit Type—PAG-13*

*Facility Location:  
Municipality &  
County*

Rutledge Borough  
Delaware County

*Permit No.*

PAG130177

*Applicant Name &  
Address*

Rutledge Borough  
Delaware County  
212 Unity Terrace  
Rutledge, PA 19070

*Receiving  
Water / Use*

Stony Creek—3-G

*Contact Office &  
Phone No.*

DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street,  
Norristown, PA 19401  
484.250.5970

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133509	Sinking Spring Borough 3940 Penn Avenue Sinking Spring, PA 19608	Berks	Sinking Spring Borough	Cacoosing Creek & UNT Cacoosing Creek / CWF & MF	Y
PAG133597	Springettsbury Township 1501 Mount Zion Road York, PA 17402	York	Springettsbury Township	Codorus Creek, Mill Creek, UNT Codorus Creek, Kruetz Creek, Mill Creek and Dee Run / WWF & MF	Y
PAG133611	New Holland Borough 436 East Main Street New Holland, PA 17557	Lancaster	Lancaster Township	UNT Mill of Creek, UNT to Conestoga River, & UNT to Mill Creek, Groff Creek / WWF & MF	Y
PAG133524	Richmond Township 11 Kehl Drive Fleetwood, PA 19522	Berks	Richmond Township	Willow Creek / CWF & MF	Y

**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>
Leslie Burkholder 52 Burkholder Lane Fredericksburg, PA 17026	Lebanon	0	265.7	Layers	NA	Approved
Heidelberg Pig Family Farm 425 North Market Street Myerstown, PA 17067	Lebanon	0	505.3	Swine & Pullets	NA	Approved
David Zimmerman 2151 Mount Zion Road Lebanon, PA 17046	Lebanon	230.7	380.23	Beef & Pullets	NA	Approved
Elvin Nolt 11 Seth Erb Road Richland, PA 17087	Lebanon	8.6	647.95	Swine	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

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

**Permit No. 0613517 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Crossroads Beverage Group, LLC</b>
Municipality	Muhlenberg Township
County	<b>Berks</b>
Responsible Official	Kirk Richmond, Chief Operating Officer PO Box 1029 Silver Springs, FL 34489
Type of Facility	Addition of a second RO treatment unit and a 25,000-gallon storage tank at the existing bottling plant.
Consulting Engineer	Kenneth M. Justice, P.E. AEON Geosciences, Inc 2120 Bellemead Avenue Havertown, PA 19083-2250
Permit to Construct Issued	3/21/2014

**Permit No. 0713509**, Public Water Supply.

Applicant	<b>Martinsburg Municipal Authority</b>
Municipality	North Woodbury Township
County	<b>Blair</b>

Responsible Official Jeffrey L. Garner, President  
110 South Walnut Street  
Martinsburg, PA 16662

Type of Facility Replacement well source Well  
No. RW-2 to replace existng  
source Well No. 2.

Consulting Engineer Lawrence J. Lennon, P.E.  
Lennon, Smith, Souleret  
Engineering, Inc.  
846 Fourth Ave.  
Coraopolis, PA 15108-1522

Permit to Construct 3/19/2014  
Issued

**Operation Permit No. 0713501** MA issued to:  
**Duncansville Municipal Authority** (PWS ID No.  
4070012), Allegheny Township, **Blair County** on 3/10/  
2014 for facilities approved under Construction Permit  
No. 0713501 MA.

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

**Permit No. 6514502MA, Minor Amendment.** Public  
Water Supply.

Applicant **Latrobe Municipal Authority**  
104 Gueirrier Road  
Latrobe, PA 15650

[Borough or Township] Derry Township  
County **Westmoreland**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering  
Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct March 31, 2014  
Issued

**Permit No. 2614502MA, Minor Amendment.** 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

Permit to Construct March 31, 2014  
Issued

**Permit No. 6514501MA, Minor Amendment.** Public  
Water Supply.

Applicant **Highridge Water Authority**  
17 Maple Avenue  
Blairsville, PA 15717

[Borough or Township] Fairfield Township  
County **Westmoreland**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering  
Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct March 31, 2014  
Issued

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

**Permit No. 3713507** Public Water Supply

Applicant **Matthew R. Hinkle d/b/a  
Majors Mobile Home Park**

Township or Borough Slippery Rock Township  
County **Lawrence**

Type of Facility Public Water Supply

Consulting Engineer William P. Deemer, P.E.  
William P. Deemer & Associates  
205-B South Duffy Road  
Butler, PA 16001

Permit to Construct March 27, 2014  
Issued

**Operation Permit** issued to **Brandon Maintenance  
Repair, Inc.**, PWSID #6610046, Rockland Township,  
**Venango County**. Permit Number 6112504 issued March  
27, 2014 for the operation of the Brandon Maintenance  
Repair, Inc. Public Water Supply. This permit is issued in  
response to an operation inspection conducted by the  
Department of Environmental Protection personnel on  
March 20, 2014.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of Proposed Consent Order and Agreement

#### North Penn Area 7 Superfund Site Lansdale Borough, North Wales Borough, and Upper Gwynedd Township, Montgomery County

The Department of Environmental Protection ("Depart-  
ment"), under the authority of the Pennsylvania Hazard-  
ous Sites Cleanup Act ("HSCA"), 35 P. S. § 6020.1113, has  
entered into a Consent Order and Agreement with the  
Estate of Jack H. Goodyear, Marie F. Goodyear and  
Richard Baum, Co-Executors of the Estate of Jack H.  
Goodyear ("the Estate"). The late Mr. Goodyear was the  
owner of the property located at 177 Wissahickon Avenue,  
North Wales, Montgomery County, PA ("the Property").  
The Property is one of five parcels which comprise the  
North Penn Area 7 Superfund Site ("the Site") which  
encompasses 650 acres of land, located in Lansdale and  
North Wales Boroughs and Upper Gwynedd Township,  
Montgomery County, PA. The Property is a one acre  
parcel in the Site area.

The former Spray-Fin, Inc. operated a paint finishing  
business on the Property from approximately 1963  
through 2004. During its operation of the Property,  
Spray-Fin, Inc. used trichloroethylene ("TCE") in its  
operations. TCE and PCE are organic solvents that are  
used for a variety of purposes, including degreasing,  
metal cleaning, and dry cleaning of clothing. These  
contaminants were found in a number of wells within the  
Site area, and TCE was found in the groundwater at the

Property. The past and present conditions at Property and the Site constitute a “release” of hazardous substances as defined in Section 103 of HSCA, 35 P. S. § 6020.103.

The U.S. Environmental Protection Agency (“EPA”) issued a Record of Decision for the Site which outlined the remedy for soil contamination, known as OU2 for the Site. Pursuant to Section 501(a) of HSCA, 35 P. S. § 6020.501(a), the Department has taken response actions to abate the release and threatened release of hazardous substances at the Property and the Site. The Department’s response actions included, among other things, oversight of certain remedial activities including the removal of contaminated soil at the Property. The Department has incurred response costs related to its response actions at the Site and the Property. The Department and the EPA anticipate that they will expend future response costs at the Site and the Property to address contaminated groundwater and vapor intrusion within the Site area.

Based on its ownership of the Property, the Estate is a responsible party pursuant to Section 701 of HSCA, 35 P. S. § 6020.701. The Department has determined that it is in the public interest to resolve its response cost claim against Estate. Consequently, the Department and the Estate have signed a Consent Order and Agreement, in which the Estate agreed to reimburse the Department’s past response costs incurred at the Property in the amount of Eighty-Nine Thousand Four Hundred Twenty Dollars and Eighty-Seven Cents (\$89,420.87).

This notice is provided under Section 1113 of HSCA, 35 P. S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments.” The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department’s Southeast Regional Office, located at 2 East Main Street in Norristown, PA 19401, by contacting either Dennis Kutz at (484) 250-5784 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Kutz and Ms. Thomas may also be contacted electronically at dkutz@pa.gov and githomas@pa.gov, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today’s date. Persons may submit written comments regarding the agreement within 60 days from today’s date, by submitting them to Mr. Kutz at the above address.

**Public Notice of Proposed Consent Order  
and Agreement  
North Penn Area 7 Superfund Site  
Lansdale Borough, North Wales Borough, and  
Upper Gwynedd Township, Montgomery County**

The Department of Environmental Protection (“Department”), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (“HSCA”), 35 P. S. § 6020.1113, has entered into a Consent Order and Agreement with Park House Properties, LLC (“Park House”), which intends to buy the property located at 177 Wissahickon Avenue, North Wales, Montgomery County, PA (“the Property”). The Property is one of five parcels which comprise the North Penn Area 7 Superfund Site (“the Site”) which encompasses 650 acres of land, located in Lansdale and North Wales Boroughs and Upper Gwynedd Township, Montgomery County, PA. The Property is a one acre parcel in the Site area.

The former Spray-Fin, Inc. operated a paint finishing business on the Property from approximately 1963

through 2004. During its operation of the Property, Spray-Fin, Inc. used trichloroethylene (“TCE”) in its operations. TCE and PCE are organic solvents that are used for a variety of purposes, including degreasing, metal cleaning, and dry cleaning of clothing. These contaminants were found in a number of wells within the Site area, and TCE was found in the groundwater at the Property. The past and present conditions at Property and the Site constitute a “release” of hazardous substances as defined in Section 103 of HSCA, 35 P. S. § 6020.103.

The U.S. Environmental Protection Agency (“EPA”) issued a Record of Decision for the Site which outlined the remedy for soil contamination, known as OU2 for the Site. Pursuant to Section 501(a) of HSCA, 35 P. S. § 6020.501(a), the Department has taken response actions to abate the release and threatened release of hazardous substances at the Property and the Site. The Department’s response actions included, among other things, oversight of certain remedial activities including the removal of contaminated soil at the Property. The Department has incurred response costs related to its response actions at the Site and the Property. The Department and the EPA anticipate that they will expend future response costs at the Site and the Property to address contaminated groundwater and vapor intrusion within the Site area.

In connection with its purchase of the site, Park House desires to resolve its potential liability to the Department for reimbursement of certain response costs to be incurred at the Site. The Department has determined that it is in the public interest to resolve its claim against Park House. Consequently, the Department and Park House have signed a Consent Order and Agreement, in which the Park House agreed to pay a de minimis portion of the Department’s response costs which will be incurred at the Property in the amount of Twelve Thousand and Five Hundred Dollars (\$12,500).

This notice is provided under Section 1113 of HSCA, 35 P. S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments”. The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department’s Southeast Regional Office, located at 2 East Main Street in Norristown, PA 19401, by contacting either Dennis Kutz at (484) 250-5784 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Kutz and Ms. Thomas may also be contacted electronically at dkutz@pa.gov and githomas@pa.gov, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today’s date. Persons may submit written comments regarding the agreement within 60 days from today’s date, by submitting them to Mr. Kutz at the above address.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 2**

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to



publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Pilot/Flying J**, Intersection of Buckeye Road & Tank Farm Road, Upper Milford Township, **Lehigh County**, Robert Byer, Sovereign Consulting, Inc., has submitted a RIR (Remedial Investigation Report) on behalf of his clients, Caleb Gehris, 4968 Buckeye Road, Richard & Clydette Lobach, 4950 Buckeye Road, and Terry Clymer, 3963 Tank Farm Road, Macungie PA 18049, concerning the remediation of soil due to an automobile collision with a tanker truck containing diesel fuel and gasoline at the intersection of Buckeye Road and Tank Farm Road. Approximately 2,075 gallons of diesel fuel was released to the environment. The applicant proposes to remediate the site to meet the Statewide Health Standards and the Site Specific Standards for soil. The intended future use of the site is residential and commercial. A summary of the RIR was published in *The Morning Call* on March 9, 2014.

**AEB Materials-Easton**, 5137 Lower Mud Run Road, Lower Mount Bethel Township, **Northampton County**, Mark Eschbacher, H&K Group, Engineering and Environmental Services Division, has submitted a Final Report on behalf of his client, Scott B. Haines, Haines and Kibblehouse Inc., 2052 Lucon Road, Skippack, PA 19474, concerning a heat transfer oil release estimated at 100 gallons of product entered a storm drain that lead to a closed basin where the product accumulated. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil and groundwater. The intended future use of the site is to continue as a concrete block plant, pavement asphalt plant and large non-surface

mine. A summary of the Final Report was published in *The Express Times* on March 20, 2014.

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

**Former Metron Site**, 400 South Cameron Street, City of Harrisburg, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Brittany Capital, LLC, 4720 Gettysburg Road, Suite 201B, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline and fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

**Honeywell Farmers Valley Wax Plant Main (Main Plant Area Farmers Valley Wax Plant)**, Keating Township, **McKean County**. URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876 on behalf of Pennzoil-Quaker State Company, 700 Milam, Houston, TX 77002 has submitted a Cleanup Plan concerning the remediation of site soil contaminated by petroleum refining substances including but not limited to 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Ethylbenzene, Toluene, Iron, Arsenic and site groundwater contaminated by petroleum refining substances including but not limited to Iron, Manganese, Arsenic, Aluminum, 1,2,4-Trimethylbenzene, Benzene, bis[2-ethylhexyl]phthalate, Cobalt, Lead, Methyl tert-butyl ether, 1,3,5-Trimethylbenzene, Ethylbenzene, Naphthalene, Toluene, Xylenes Total. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

**All American Hose, Inc.**—6424 West Ridge Road, 6424 West Ridge Road, Fairview Township, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 700 Grant Street, Suite 500, Pittsburgh, PA 15219, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, Chloromethane, Ethyl Benzene, Toluene, 1,2,4-trichlorobenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Xylenes, Benzo[b]fluoranthene, Fluoranthene, Arsenic, Cadmium, Barium, Chromium, Lead and site groundwater contaminated with Tetrachloroethene and Barium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**All American Hose Inc.**—6420 West Ridge Road, 6420 West Ridge Road, Fairview Township, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Suite 500, Cleveland, OH 44124, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, 1,1,2-trichloro-1,2,2-trifluoroethane, Tetrachloroethene, Toluene, 1,1,1-trichloroethane, 1,2,4-trimethylbenzene, Total Xylenes, Acetone, Ethyl Benzene, Trichloroethene, Acenaphthulene, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Benzo[g,h,i]perylene, Benzo[a]pyrene, Chrysene, Dibenz[a,h]anthracene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium; site groundwater contaminated with 1,1,2-trichloro-1,2,2-trifluoro-

ethane, Tetrachloroethene, 1,1,1-trichloroethane, Trichloroethene, Bromodichloromethane, 1,1-dichloroethane, 1,1,2-trichlorotrifluoroethane, and Barium. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Statewide Health Standards.

**Parker Hannifin Corporation** (201 Titusville Road), 201 Titusville Road, Union City Borough, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Suite 500, Pittsburgh, PA 15215 on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation Report concerning the remediation of site soil and site groundwater contaminated with VOCs. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Statewide Health Standards.

## 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 man-

ager 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.*

**Tara Martin Residence**, 65 Lynndale Road, Lancaster, PA 17603, Pequea Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Tara Martin, 65 Lynndale Road, Lancaster, PA 17603, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on March 21, 2014.

**Pine Creek Structures Retail Outlet**, 3850 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Pine Creek Structures, 102 East Market Street, Gratz, PA 17030, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils and groundwater contaminated with gasoline and diesel fuel. The reports intend to demonstrate attainment of the Site Specific standard, and were approved by the Department on March 28, 2014.

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

**Crompton Petrolia (Fmr. Crompton Corporation Facility)**, 100 Sonneborn Lane, Fairview Township, **Butler County**. WSP, 750 Holiday Drive, Suite 410, Pittsburgh, PA 15220, on behalf of Sonneborn, LLC., 575 Corporate Drive, Suite 415, Mahwah, NJ 07430-2330, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil contaminated with p-isopropyltoluene, acenaphthylene, benzo[a]pyrene, benzo[g,h,i]perylene, carbazole, phenanthrene, BSA, m-BDSA, arsenic, iron, lead, mercury, p-PSA, aluminum, beryllium, cobalt, manganese and site groundwater contaminated with acetone, benzene, 1,2-dichloropropane, ethylbenzene, 2-hexanone, p-isopropyltoluene, naphthalene, 1,2,3-trichlorobenzene, 1,2,4-trichlorobenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzo[a]anthracene, bis[2-ethylhexyl]phthalate, chrysene, 2-methylnaphthalene, naphthalene, 4-nitrophenol, phenanthrene, BSA, m-BDSA, p-PSA, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc, and di-n-octyl phthalate. The Report was disapproved by the Department on March 21, 2014.

**All American Hose**—217 Titusville Road, 217 Titusville Road, Union City Borough, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Suite 500, Pittsburgh, PA 15215, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, 2 Butanone, Ethyl Benzene, Isopropylbenzene, Toluene, Xylenes, Anthracene,

Benzo[a]anthracene, Benzo[b]fluranthene, benzo[k]fluoroanthene, Benzo[a]pyrene, Chrysene, Fluoroanthene, Phenanthrene, Pyrene, Arsenic, Barium, Chromium, Lead, Mercury, Selenium, Silver and site groundwater contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium. The Report was disapproved by the Department on March 31, 2014.

## 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.**

*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, Regional Air Quality Manager, Telephone: 717-705-4702.*

**GP1-21-05051A: PA State System of Higher Education—Shippensburg University** (1871 Old Main Drive, Shippensburg, PA 17257-2299) on March 25, 2014, for 29 small natural gas-fired boilers (1-6 MMBtu/hr each), under GP1, at their university facility in Shippensburg Borough, **Cumberland County**.

**GP14-06-03153: Peach Tree Branch LLC** (65 South 4th Street, Hamburg, PA 19526) on March 18, 2014, for two (2) crematories (one human and one animal), under GP14, at their location in Ontelaunee Township, **Berks County**. The GP14 was re-issued due to a change of ownership.

**GP1-38-03056: Hain Pure Protein Corp.** (220 N. Center Street, PO Box 10, Fredericksburg, PA 17026) on March 27, 2014, for an existing natural gas/#2 oil-fired boiler, 12.6 MMBtu/hr., under GP1 at the Bethel Township, **Lebanon County** facility. The general permit authorization was renewed.

*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*

**GP2-04-00489: Sunoco Pipeline, L.P.** (525 Fritztown Road, Sinking Spring, PA 19608) on March 27, 2014, to allow the reconstruction of five existing above ground storage tanks at their facility in Brighton Township, **Beaver County**. The facility will provide intermediate storage of gasoline and other refined liquids.

**GP1-30-00227: Columbia Gas Transmission, LLC** (950 Manifold Road, Washington, PA 15301) on March 31, 2014, to authorize the construction and operation of one (1) natural gas-fired heater, rated at 16 MMBtu/hr, at the proposed Hero/Jollytown Valve Setting located in Gilmore Township, **Greene County**.

**GP5-63-00987: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2137) on March 31, 2014, to authorize the installation and operation of a natural gas compressor station consisting of three lean burn natural gas-fired compressor engines rated at 2,370 bhp each and controlled by oxidation catalysts, one lean burn natural gas-fired compressor engine rated at 3,550 bhp and controlled by an oxidation catalyst, one tri ethylene glycol dehydrator (including reboiler) rated for 70 MMSCF/day and controlled by an enclosed flare, and four 400 bbl

condensate tanks controlled by a vapor recovery unit. Other miscellaneous sources include two rich burn natural gas-fired generator engines (one primary and one backup) rated at 1,053 bhp each and controlled by non-selective catalytic reduction. The facility will be authorized under GP-5 for natural gas production, named Carpenter Compressor Station, and located in Donegal Township, **Washington County**.

**GP5-30-00226: Vista Gathering, LLC** (116 Inverness Drive East, Suite 107 Englewood CO 80112-5125) on April 01, 2014, to allow the construction and operation of Seven (7) Caterpillar G3606 LE natural gas fired engines each rated at 1,775 bhp, controlled by 'EMIT' oxidation Catalysts, and regulated by AFR-1 air/fuel ratio controllers; Two (2) TEG Dehydrator unit rated at 150 MMscfd attached to a natural gas fired reboiler rated @ 2.67 MMBtu/hr; Two (2) flash tank; and Thirty eight (38) storage tanks of various capacities at their Habe Compressor Station located in Washington Township **Greene County**.

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

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

**GP14-37-322A: Joseph A. Tomon Jr. Funeral Home & Crematory** (97 Grim Avenue, Ellwood City, PA 16117) on March 26, 2014, for operation of one (1) B & L Cremation Systems, Inc. human crematory, model no. N-20AA, rated 150 lbs/hr (BAQ-GPA/GP-14) in Ellport Borough, **Lawrence County**.

**GP5-42-241A: NFG Midstream Clermont, LLC—Clermont Interconnect Station** (27 Memory Lane, Mount Jewett, PA 16740) on March 26, 2014, for operation of one (1) rich burn, 4 stroke, natural gas powered, emergency electrical generator engine, one (1) J. W. Williams natural gas dehydrator, one (1) natural gas fired line heater rated 3 MMBtu/hr, and one (1) 4,200 gallon produced water storage tank (BAQ-GPA/GP-5) in Sergeant Township, **McKean 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*

**46-0047A: Mueller Streamline Co.** (287 Wissahickon Avenue, North Wales, PA 19454) on March 25, 2014, to meet the requirements of Section 112(j) "MACT Hammer" (Part 2) at the existing facility in Upper Gwynedd Township, **Montgomery County**. Mueller Streamline Company is a major source of Hazardous Air Pollutant (HAP) emissions and Carbon Monoxide (CO) emissions, currently operating under Title V Operating Permit No. 46-00047. The following natural gas fired sources (all less than 5.0 MMBtu/hr) are subject to the requirements of 40 CFR Part 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources for Industrial, Commercial, and Institutional Boilers and Process Heaters: Two (2) furnaces (Source ID 702 and 703), one (1) boiler (Source ID 106), and one (1) process dryer (Source ID 107A). The plan approval includes work practice standards for a one-time energy assessment and

a once every five (5) years tune-up of affected sources. The plan approval will also include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-0009G: Quad Graphics, LLC.** (4371 County Line Road, Chalfont, PA 18914) On March 27, 2014, for the following changes at their facility in New Britain Township, **Bucks County**:

Installation of a new lithographic printing press to replace an existing lithographic press.

Removal of the dryer from an existing lithographic press and installing it on another existing press.

As a result of potential emissions of VOCs, the facility is a Title V facility. The installation of the new press and the modification of the existing press will not exceed the following site-wide pollutant emission limits established in the Title V Operating Permit No. 09-00009: volatile organic compounds (VOCs): 49.26 tpy; nitrogen oxides (NO<sub>x</sub>): 24.23 tpy; hazardous air pollutants: 10 tpy (single HAP) and 25 tpy (combined HAPs).

In addition, the Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements

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

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

**06-05079G: United Corrstack, LLC** (720 Laurel Street, Reading, PA 19602) on March 24, 2014, to modify their 482 mmBtu/hr circulating fluidized bed boiler at their roll stock paper facility in the City of Reading, **Berks County**. Plan Approval #06-05079G eliminates the requirement to utilize multiclones for particulate control for the circulating fluidized bed boiler. The unit shall remain subject to the BAT limit of 0.042 lb particulate/mmBtu. The boiler will remain controlled by trona injection, a hot electrostatic precipitator, and selective catalytic reduction. The plan approval will require particulate stack testing to verify compliance.

**36-03187A: Allied Veterinary Cremation, Ltd.** (1966 Mastersonville Road, Manheim, PA 17545) on March 6, 2014, for operation of four (4) existing cremation units at their facility located in Rapho Township, **Lancaster County**.

*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) on March 6, 2014, to install a burnoff oven at their facility in Fairview Township, **Erie County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**23-0001AD: Sunoco, Inc.** (R & M) (100 Green Street, Marcus Hook, PA 19061) on March 13, 2014, for the operation of an oxidation catalyst in Marcus Hook Borough, **Delaware County**.

**46-0001: JBS Souderton, Inc.** (2741 Souder Road, Souderton, PA 18964) on March 18, 2014, for the operation of a 48.28 MMBtu/hr Johnston boiler in Franconia Township, **Montgomery County**.

**46-0272: Tech Tube, Inc.** (750 Vandenberg Road, King of Prussia, PA 19406) On March 21, 2014, for the operation of a batch vapor degrease in Upper Merion Township, **Montgomery County**.

**09-0007C: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on March 26, 2014, for the operation of a landfill gas collection and control system in Falls Township, **Bucks County**.

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

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

**06-050070: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601) on March 25, 2014, to construct two (2) reheat furnaces at the specialty steel alloy facility in Muhlenberg Township, **Berks County**. The new reheat furnaces will allow certain other equipment at the facility to run at a higher capacity than previously. The plan approval will also involve the removal of an emission cap from an existing hot box. The plan approval was extended.

**67-05124A: Schindler Elevator Corporation—Hanover** (21 Industrial Drive, Hanover, PA 17331) on March 26, 2014, for a door line paint process to be installed at the new hydraulic elevator manufacturing in Penn Township, **York County**. The plan approval was extended.

**06-05073A: Dyer Quarry, Inc.** (P.O. Box 188, Rock Hollow Road, Birdsboro, PA 19508) on March 28, 2014, to install a primary crusher, scalping screen, and two (2) conveyors at the quarry and stone crushing facility in Robeson Township, **Berks County**. The crusher and screen will be controlled by wet suppression. 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*

**41-00084A: Panda Patriot LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) on March 25, 2014, revised plan approval for the former Moxie Patriot/Moxie Patriot Generation Plant facility in Clinton Township, **Lycoming County**. The facility's name was modified to Panda Patriot/ Panda Patriot Generating Plant. In addition, the plan approval was modified to incorporate the changes with respect to the owner name and contact persons, as specified on page 1 of the plan approval. The plan approval contains monitoring, recordkeeping, reporting and work practice conditions to demonstrate compliance with all applicable Federal and State air quality regulations.

**49-00065A: Polar Tech Industries of Pennsylvania, Inc.** (415 East Railroad Avenue, Genoa, IL 60135) on March 13, 2014, to extend the authorization to operate an expandable polystyrene foam processing operation at

their facility in Ralpho Township, **Northumberland County** on a temporary basis to September 9, 2014. The plan approval has been extended.

**49-00064A: Milton Sewer Regional Authority** (5585 State Route 405, PO Box 433, Milton, PA 17847) on March 25, 2014, to construct and operate a waste water to energy plant at their wastewater plant until March 31, 2015 in West Chilisquaque Township, **Northumberland 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*

**65-00979A: Laurel Mountain Midstream, LLC** (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) plan approval extension and modification effective March 31, 2014, to prohibit the simultaneous operation of the Caterpillar G3516LE and G3512LE compressor engines authorized under GP5-65-00979E and allow the second new G3612LE engine authorized under PA-65-00979A to begin temporary operation at the Herminie Compressor Station located in South Huntingdon Township, **Westmoreland County**. This plan approval has also been extended to allow for the continued temporary operation of the first G3612LE engine authorized under PA-65-00979A.

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

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

**25-029C: Erie Coke Corp.** (925 East Bay Drive, Erie, PA 16507) on March 24, 2014, effective April 30, 2014, to issue a plan approval extension to construct of a coke oven side shed equipped with a fabric filter baghouse to control particulate matter (PM) emissions from coke pushing operations and coke side door leaks. This facility is in the City of Erie, **Erie County**. The plan approval has been extended.

**62-017U: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on March 31, 2014, to issue a plan approval extension for modification of plan approval 62-017R for the inclusion of particulate matter emission limits that include both condensable and filterable emissions in Warren City, **Warren 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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507*

**13-00001: Horsehead Corp.—Palmerton Plant** (900 Delaware Avenue, Palmerton, PA 18071-2008) on March 25, 2014, for operation of a Metals Powders manufacturing plant in Palmerton Borough, **Carbon 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 four (4) Waelzing/ Calcining System Kilns, an Emergency Generator and a Calcine Kiln Feed Receiving Bin. The Kilns and bins are

controlled by baghouses or product 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 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**21-05029: Sunoco Partners Marketing & Terminals LP** (17351 Market Street, 29MBC, Philadelphia, PA 19103) on March 26, 2014, for their petroleum storage and dispensing facility in Hampden Township, **Cumberland County**. The permit was renewed.

**29-05001: JLG, Industries, Inc.** (1 JLG Drive, Mc-Connellsburg, PA 17223-9502) on March 24, 2014, for the aerial lift equipment manufacturing facility in Ayr Township, **Fulton 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*

**10-00023: Mercer Lime Company—Branchton Plant** (560 Branchton Road, Slippery Rock, PA 16057) on March 24, 2014, to re-issue a Title V Operating Permit to operate a lime manufacturing facility, located in the Slippery Rock Township, **Butler County**.

The estimated maximum potential annual emissions from this facility are as follows: NO<sub>x</sub>—225 tons, SO<sub>x</sub>—36 tons, CO—140 tons, VOC—35 tons, PM<sub>10</sub>—165 tons, Total HAPs—11 tons, and Individual HAPs 6 tons.

Because the potential HAP emissions from this facility continue to be below the major source thresholds, this facility continues to be excluded from the requirements of 40 CFR 63—Subpart AAAAA—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

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#### **Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**15-00029: Pactiv Packaging, Inc.** (241 Woodbine Rd, Downingtown, PA 19335) on March 25, 2014, for operation of their printing and paperboard assembly facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State only) facility, with the Site-wide VOC emissions limited to 24.9 tons per 12-consecutive month period. Major sources of air emissions include seven (7) flexographic presses and support equipment. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00171: John Evans' Sons, Inc.** (1 Spring Avenue, Lansdale, PA 19446) On March 19, 2014, for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Lansdale Borough, **Montgomery County**. John Evans' Sons, Inc. operates a boiler, a parts washer,

and a number of spring forming machines. The facility has a potential to emit 3 tons of hazardous air pollutants per year, and less than 2.7 tons of n-propyl bromide. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00136: Powdersize, Inc.** (20 Pacific Drive, Quakertown, PA 18951-3601) on March 19, 2014, for operation of pulverizing and screening powder form products to meet customer specifications in Richland Township, **Bucks County**. This action is a renewal of the State Only Operating Permit (Natural Minor). The original State Only Operating Permit was issued on January 29, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**09-00064: CRC Industries, Inc.** (885 Louis Drive, Warminster, PA 18974) On March 27, 2014, is a non- Title V, Synthetic Minor facility in Warminster Township, **Bucks County**. This action is a renewal of the State Only Operating Permit. CRC Industries, Inc. manufactures specialty chemicals used in the automotive, marine, electrical and industrial maintenance markets. The main emissions for this facility are volatile organic compounds, of which the facility is limited to less than 18 tons per year of emissions, and hazardous air pollutants, of which the facility is limited to less than 10 tons per year for any single hazardous air pollutant and less than 25 tons per year for all of the hazardous air pollutants combined. The requirements from 40 C.F.R. Part 60, Subpart JJJJ were added for a new natural gas fired emergency generator that was installed at the facility in March, 2012. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**40-00112: Four Daughters, LLC** (1 Korn Street, Kingston, PA 18704) on March 28, 2014, for manufacture of wood kitchen cabinets in Kingston Borough, **Luzerne County**. The primary sources consist of three (3) spray booths with panel filters and a drying oven. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic 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.

**66-00005: Reading Materials, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on December 31, 2013, to issue a renewal for their State Only Operating Permit in Falls Township, **Wyoming County**.

**52-00002: Eureka Stone Quarry, Inc.** (PO Box 249, Chalfont, PA 18914-0249) on December 31, 2013, a renewal State Only Operating (Synthetic Minor) Permit was issued for their facility in Milford Borough, **Pike County**.

**40-00104: Brdaric Excavating, Inc.** (913 Miller Street, Luzerne, PA 18709) on March 24, 2014, to operate of a rock crushing operation and associated air cleaning devices at their facility in Kingston Township, **Luzerne County**. This is a renewal State Only 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.

**40-00048: Reading Materials, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on December 31, 2013, issued a renewal State Only Operating Permit for a facility in Lehman Township, **Luzerne County**.

**39-00092: Hale Trailer Brake and Wheel, Inc.** (5361 Oakview Drive, Allentown, PA 18104-9205) on December 31, 2013, for a renewal State Only (Synthetic Minor) Operating Permit for their facility in Upper Macungie Township, **Lehigh County**.

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

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

**28-03022: New Enterprise Stone & Lime Co., Inc.—DBA Valley Quarries, Inc.** (169 Quarry Road, PO Box 2009, Chambersburg, PA 17201-0809) on March 18, 2014, for the Mt. Cydonia I sandstone crushing plant in Guilford Township, **Franklin County**. The State-only permit was renewed.

**06-03055: Oley Valley Animal Clinic** (900 Blandon Road, PO Box 109, Blandon, PA 19547-0109) on March 11, 2014, for the animal cremation unit in Ruscombmanor Township, **Berks County**.

**36-05106: Premier Custom Built Inc.** (110 Short Street, New Holland, PA 17557-1515) on March 18, 2014, for their custom wood manufacturing facility in East Earl Township, **Lancaster County**. The State-only permit was renewed.

**36-03048: Hubbard Feeds, Inc.** (3349 Hempland Road, Lancaster, PA 17601-1315) on March 18, 2014, for their animal feed processing facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

**06-03113: Haines & Kibblehouse, Inc.** (PO Box 196, Skippack, PA 19474) on March 26, 2014, for the trap rock crushing plant in Robeson Township, **Berks County**. The State-only permit was renewed.

**38-03057: Porterfield Scheid Funeral Directors & Cremation Services LTD** (980 Isabel Drive, Lebanon, PA 17042-7482) on March 25, 2014, for the human crematory located in North Cornwall Township, **Lebanon County**.

**36-05118: RR Donnelley Financial, Inc.** (391 Steel Way, PO Box 3780, Lancaster, PA 17601-3153) on March 27, 2014, for their commercial printing facility located on Steel Way, Lancaster City, **Lancaster County**. The State-only permit was renewed.

**28-03039: Warrior Roofing Manufacturing, of PA LLC** (3050 Warrior Road, Tuscaloosa, AL 35404) on March 27, 2014, for the roofing felt paper manufacturing plant in Greene Township, **Franklin County**. The State-only permit was renewed.

**06-05116: Packaging Corp. of America** (171 Tuckerton Road, Reading, PA 19605-1135) on March 27, 2014, for their corrugated paper manufacturing facility in Muhlenberg Township, **Berks County**.

**21-03021: Amsted Rail Co., Inc.** (3420 Simpson Ferry Road, Camp Hill, PA 17011-6410) on March 28, 2014, for

the railcar coupling production and repairs facility in Lower Allen Township, **Cumberland County**. The State-only permit was renewed.

**21-05027: Gulf Oil LTD Partnership** (100 Crossing Blvd., Farmingham, MA 01702-5401) on March 28, 2014, for their bulk petroleum terminal in Hampden Township, **Cumberland County**. The State-only permit was renewed.

**21-05028: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17050-2654) on March 31, 2014, for Building 3 lithographic printing facility in Mechanicsburg Borough, **Cumberland County**. The State-only permit was renewed.

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

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

**41-00058: Charles Construction Co.** (838 East Central Avenue, Jersey Shore, PA 17740-7014) on March 26, 2014, issued a state only operating permit for their Jersey Shore Asphalt Plant in Limestone Township, **Lycoming County**. The facility's sources include one (1) #2 fuel oil-fired asphalt tank heater, two (2) propane-fired space heaters, two (2) liquid asphalt storage tanks, one (1) #2 fuel oil storage tank, one (1) diesel fuel oil storage tank, (1) one hot mix drum asphalt concrete operation and other miscellaneous sources. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**32-00197: Purchase Line School District** (16559 Route 286 Highway East, Commodore, PA, 15729) On March 27, 2014 the Department issued a renewal Synthetic Minor Operating Permit for the operation of two coal-fired 12.0 mmbtu/hr boilers and a diesel-fired 320 kW emergency generator at the Purchase Line Jr/Sr High & Elementary School in Green Township, **Indiana County**. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**04-00724: DCP Midstream, LP** (370 17th Street, Suite 500, Denver, CO 80202) On March 26, 2014, the Department issued the State Only Operating Permit for the operation of a bulk propane terminal, known as the Midland Propane Terminal, located in Industry Borough, **Beaver County**.

The facility contains air contamination sources consisting of twenty-six, 90,000 gallon, pressurized storage tanks and three truck loading racks. Fuel throughput is limited by a maximum of 4,580 truck load-outs per year.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and Pa. Code Title 25, Article III, Chapters 121 through 145.

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

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

**16-00035: The Commodore Corp.—Commodore/Colony Factory Crafted Homes** (20898 Paint Boulevard, Clarion, PA 16214) on March 27, 2014, to issue a Synthetic Minor Operating Permit to operate a Mobile/Modular Home manufacturing facility in Shipperville Borough, **Clarion County**. This facility was previously a major source due to its potential to emit VOC emissions from the surface coating and adhesive application operations. By electing to limit production to 5500 units per year, emissions from this facility are now below the major source thresholds. This facility now qualifies for a State Only Synthetic Minor Operating Permit.

With the production limit in place, the potential emissions from this facility are as follows: VOCs—27.2 tons per year (TPY), Total HAPS—5.5 TPY, Individual HAP—2.8 TPY, and PM<sub>10</sub>—1.9 TPY. NO<sub>x</sub>, SO<sub>x</sub>, and CO emissions generated by the Facility Heaters and an Emergency Power Generator are well below the major source thresholds.

**42-00181: Elkhorn Gas Processing—Lewis Run Plant** (4613 East 91st Street Tulsa, OK 74137) on March 27, 2014, to issue a renewal of the Natural Minor Operating Permit to operate the natural gas processing plant in Bradford Township, **McKean County**. The facility's primary emission sources include a dehydration unit, combustion emissions for the dehydration unit, a fractionation skid with an associated combustion heater, two inlet compressors (rated at 607 HP and 700 HP, respectively) a 265 HP refrigeration compressor, potential equipment leaks, product storage tanks and loading, and an emergency natural gas generator. The inlet compressors and refrigeration compressor are 4 stroke rich burn engines equipped with catalytic converters. These three engines are subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Units. The dehydration unit is subject to 40 CFR 63 Subpart HH—NESHAPs from Oil and Natural Gas Production Facilities. The emergency engine is subject to 40 CFR 60 Subpart JJJJ. Actual emissions from the facility are less than the Title V emission thresholds. The conditions of the previous plan approval and operating permit were incorporated into the renewal permit along with the newer Federal Requirements.

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

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

**09-00122: Arkema Inc.—Altuglas International** (100 PA Route 413, Bristol, PA 19007) on March 25, 2014, for a modification of TVOP No. 09-00122 for its facility in Bristol Township, **Bucks County**. The modification incorporates the regulatory requirements of 40 CFR 63, Subpart DDDDD for two (2) existing dual fuel-fired (natural gas and no. 2 fuel oil) boilers. The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00002: QG, LLC** (4581 Lower Valley Road, Atglen, PA 19310) on March 25, 2014, for a modification of TVOP No. 09-00002 for its facility located in West Sadsbury Township, **Chester County**. The modification incorporates the regulatory requirements of § 40 CFR 63, Subpart DDDDD for four (4) existing dual fuel-fired (natural gas and no. 2 fuel oil) boilers. The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**32-00101: Halliburton Energy Services, Inc.** (PO Box 42810, Houston, TX 77242). Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Halliburton Energy Services, Inc., Indiana Plant, located in Homer City Borough, Indiana County:

This project will allow the installation of three 2,560 cubic foot cement storage tanks and the replacement of one 1,000 cubic foot waste storage tank with a 2,560 cubic foot waste storage tank; will not increase throughput at the facility beyond the current maximum estimate of 50,000 tpy cement and 20,000 tpy fly ash; that emissions from all proposed tanks will be controlled by existing dust collectors; and that emissions at the current maximum will not exceed 0.07 tpy PM<sub>10</sub> from cement and fly ash handling.

The list of de minimis increases for this facility includes:

October 2008	Bulk Cement/Flyash Storage Plant
October 2010	Sand Storage
December 2011	Bulk Cement/Fly Ash Plant
March 2014	Cement/Waste Tanks

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

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

**17841607 and NPDES No. PA0100803 and GP12-17841607-R11. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Bigler Coal Preparation Plant in Bradford Township, **Clearfield County** and related NPDES permit. Includes renewal of Bureau of Air Quality GPA/GP12 Authorization. No additional discharge. The application was considered administratively complete on July 20, 2011. Application received December 27, 2010. Permit issued March 26, 2014.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1525 Pleasant Grove Rd., PO Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for additional acreage associated with installation of six boreholes and the 6 South 1 Airshaft Site. Surface Acres Proposed 14.0. No additional discharge. The application was considered administratively complete on February 16, 2012. Application received November 8, 2011. Permit issued March 26, 2014.

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

**Permit No. 56940106 and NPDES No. PA0212903. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to change the land use from Pastureland to Light Industrial and Woodland to Pastureland, Cropland and Wildlife Habitat in Brothersvalley and Somerset Townships, **Somerset County** affecting 77.4 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2013. Permit Issued: March 24, 2014.

**Permit No. 56120118 and NPDES No. PA0269204. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 47.0 acres. Receiving streams: unnamed tributaries to/and Blue Lick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 7, 2012. Permit Issued: March 5, 2014.

**Permit No. 56120105 and NPDES No. PA0268968. PBS Coals, Inc.**, 1576 Stoystown Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger min in Somerset Township, **Somerset County**, affecting 44.3 acres. Receiving stream: East Branch Coxes Creek classified for the following use: trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. The permit includes four Chapter 105 stream encroachment authorizations, to install erosion and sedimentation controls within the barrier area of unnamed tributaries no. 1, 2, 3 and 4 to East Branch of Coxes Creek and to conduct mining activities within the barrier area of unnamed tributaries no. 1 and 2 to East branch of Coxes Creek. The permit also grants a request for Section 401 Water Quality Certification. Application received: February 27, 2012. Permit Issued: March 20, 2014.

**Permit No. 56080105 and NPDES No. PA00262633. Hoffman Mining Inc.**, 118 Runway Road, Friedens, PA 15541, revision of an existing bituminous and auger surface mine to add 3.2 acres to the permit boundary in Ogle and Paint Townships, **Somerset County**, affecting



287.6 acres. Receiving streams: Clear Shade Creek and unnamed tributaries to/and Shade Creek classified for the following uses: high quality cold water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 3, 2013. Permit Issued: March 24, 2014.

**Permit No. 56980101 and NPDES No. PA234664, Heritage Mining Co.**, P.O. Box 126, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade and Paint Townships, **Somerset County**, affecting 58.7 acres. Receiving streams: unnamed tributary to/and Shade Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 7, 2013. Permit Issued: March 13, 2014.

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

**26-11-02 and PAG-02 252613001. Rostosky Coal LLC** (2678 Country Lane, Monongahela, PA 15063). Government Financed Construction Contract issued for reclamation of abandon mine lands, and General NPDES permit for stormwater discharges, located in Lower Tyrone Township, **Fayette County**, affecting 6.6 acres. Receiving stream: unnamed tributary to Youghiogheny River. Application received: September 13, 2013. Permit issued: March 25, 2014.

**63020101. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 261.6 acres. Receiving streams: unnamed tributary to Center Branch of Pigeon Creek. Application received: November 5, 2012. Permit issued: March 25, 2014.

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

**10080103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Concord Township, **Butler County**, affecting 123.5 acres. Receiving streams: Unnamed tributary No. 3 to Pine Run. This renewal is issued for reclamation only. Application received: February 4, 2014. Permit issued: March 26, 2014.

**04090101. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) Revision to an existing bituminous surface and auger mine to change the post-mining land use from forestland to unmanaged natural habitat in Shippingport Borough, **Beaver County**. Receiving streams: Unnamed tributary to Peggs Run and Peggs Run. Application received: January 22, 2014. Permit Issued: March 28, 2014.

#### *Noncoal Permits Issued*

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

**Permit No. 7574SM1 and NPDES No. PA0594300, Pennsy Supply, Inc.**, P.O. Box 3331, Harrisburg, PA 17105, renewal of NPDES Permit, Silver Spring Township, **Cumberland County**. Receiving stream: Conodoguet Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 24, 2013. Permit Issued: March 27, 2014.

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

**26082801, Mon River Energy Corporation** (6594 National Pike, Brier Hill, PA 15415). Final bond release for a small noncoal mining operation in South Union Township, **Fayette County**. Restoration of 4.1 acres completed. Receiving stream: Jennings Run. Application received: November 22, 2013. Final bond release approved: March 20, 2014.

**26082804, Mon River Energy Corporation** (6594 National Pike, Brier Hill, PA 15415). Final bond release for a small noncoal mining operation in South Union Township, **Fayette County**. Restoration of 1.72 acres completed. Receiving streams: Jennings Run to Redstone Creek. Application received: November 22, 2013. Final bond release approved: March 20, 2014.

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

**16030302 and NPDES Permit No. PA0242365. I.A. Construction Corporation** (P.O. Box 568, Franklin, PA 16323) Transfer of an existing large industrial minerals mine and associated NPDES permit from Quality Aggregates, Inc. in Richland & Licking Townships, **Clarion County** affecting 143.5 acres. Application received: December 2, 2013. Permit Issued: March 26, 2014.

**10132802. Harsco Metals Americas—Division of Harsco Corporation** (300 Seven Fields Boulevard, Suite 300, Seven Fields, PA 16046) Commencement, operation and restoration of a small industrial minerals mine in Butler Township, **Butler County**, affecting 5.0 acres. Receiving streams: Sawmill Run. Application received: October 24, 2013. Permit Issued: March 28, 2014.

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

**Permit No. 38870301C11 and NPDES Permit No. PA0595543. Pennsy Supply, Inc.**, (PO Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Annville Borough, North Londonderry, North and South Annville Townships, **Lebanon County** affecting 1039.9 acres, receiving streams: Killinger and Quitaphilla Creeks. Application received: September 27, 2011. Renewal issued: March 27, 2014.

**Permit No. 8274SM6C3 and NPDES Permit No. PA0595349. Pennsy Supply, Inc.**, (PO Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Hempfield Township, **Lancaster County** affecting 241.0 acres, receiving stream: unnamed tributary to Little Conestoga Creek. Application received: September 24, 2012. Renewal issued: March 27, 2014.

**Permit No. 7675SM1C9 and NPDES Permit No. PA0124028. Pennsy Supply, Inc.**, (PO Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Annville and West Cornwall Townships, **Lebanon County** affecting 195.93 acres, receiving stream: Bachman Run. Application received: June 27, 2013. Renewal issued: March 27, 2014.

**Permit No. 7175SM1A1C12 and NPDES Permit No. PA0613827. Pennsy Supply, Inc.**, (PO Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Hanover Township, **Dauphin County** affecting

205.0 acres, receiving stream: Swatara Creek. Application received: July 19, 2013. Renewal issued: March 27, 2014.

**Permit No. 49030301C4 and NPDES Permit No. PA0224316. Meckley's Limestone Products, Inc.**, (1543 SR 225, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jackson Townships, **Northumberland County** affecting 178.3 acres, receiving stream: Upper Fiddler Run. Application received: August 14, 2013. Renewal issued: March 27, 2014.

**Permit No. 74740303A2C9 and NPDES Permit No. PA05943334. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mt. Bethel Township, **Lehigh County** affecting 358.1 acres, receiving stream: Delaware River. Application received: July 5, 2013. Renewal issued: March 27, 2014.

**Permit No. 39880301A1C9 and NPDES Permit No. PA0594199. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in North Whitehall Township, **Lehigh County** affecting 131.75 acres, receiving stream: Copley Creek. Application received: September 12, 2013. Renewal issued: March 27, 2014.

**Permit No. 67070301C and NPDES Permit No. PA0224600. Glen-Gery Corp.**, (PO Box 7001, Wyomissing, PA 19601), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 70.6 acres, receiving stream: unnamed tributaries to Fox Run. Application received: July 26, 2012. Renewal issued: March 28, 2014.

**Permit No. 35910301C6 and NPDES Permit No. PA0595209. West Mountain Sand, Stone & Aggregates, LTD**, (PO Box 389, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Newton and Ransom Townships, **Lackawanna County** affecting 249.0 acres, receiving stream: Keyser Creek. Application received: March 29, 2013. Renewal issued: March 28, 2014.

**Permit No. 58920301C and NPDES Permit No. PA0595845. Reading Materials, Inc.**, (PO Box 1467), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in New Milford Township, **Susquehanna County** affecting 131.8 acres, receiving stream: Beaver Creek. Application received: March 29, 2013. Renewal issued: March 28, 2014.

**Permit No. 09080301C2 and NPDES Permit No. A0224642. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hilltown Township, **Bucks County** affecting 52.9 acres, receiving stream: unnamed tributary to Morris Run. Application received: April 15, 2013. Renewal issued: March 28, 2014.

**Permit No. 48980301C7 and NPDES Permit No. PA0223875. Chrin Brothers, Inc.**, (635 Industrial Drive, Easton, PA 18042), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Williams Township, **Northampton County** affecting 36.8 acres, receiving stream: unnamed tributary to Lehigh River. Application received: April 16, 2013. Renewal issued: March 28, 2014.

**Permit No. 22880301C11 and NPDES Permit No. PA0223948. Rocky Licensing Corp.**, (PO Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara Township, **Dauphin County** affecting 143.1 acres, receiving stream: Swatara Creek. Application received: May 14, 2013. Renewal issued: March 28, 2014.

#### 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*

**65144003. Sciarretti Site Development** (P.O. Box D, Braddock, PA 15104). Blasting activity permit for the construction of the Excelsa Health Latrobe Ambulatory Care, located in Unity Township, **Westmoreland County** with an exploration date of December 31, 2014. Blasting permit issued: March 25, 2014.

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

**16144101. Wampum Hardware Company** (2856 Stoystown Road, Friedens, PA 15541-7020) Blasting activity permit for stone removal for sewage pipeline in Redbank Township, **Clarion County**. This blasting activity permit expires December 31 2014. Permit Issued: March 24, 2014.

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

**Permit No. 09144102. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Owls Nest in Plumstead Township, **Bucks County** with an expiration date of March 17, 2015. Permit issued: March 25, 2014.

**Permit No. 46144102. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Hatfield Meats Processing Facility in Hatfield Township, **Montgomery County** with an expiration date of March 19, 2015. Permit issued: March 25, 2014.

**Permit No. 58144115. M & J Explosives, Inc.**, (P.O. Box 608, Carlisle, PA 17013), construction blasting for Herbert Well Pad in Harford and Lenox Townships, **Susquehanna County** with an expiration date of March 19, 2015. Permit issued: March 25, 2014.

**Permit No. 58144117. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Choconut Water Line in Apolacon and Choconut Townships, **Susquehanna County** with an expiration date of March 20, 2015. Permit issued: March 25, 2014.

**Permit No. 58144116. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Thomas Gathering in Lenox Township, **Susquehanna County** with an expiration date of March 20, 2015. Permit issued: March 26, 2014.

**Permit No. 46144001. Explo-Craft, Inc.,** (PO Box 1332, West Chester, PA 19380), construction blasting for West Laurel Hill Cemetery in Lower Merion Township, **Montgomery County** with an expiration date of May 1, 2014. Permit issued: March 26, 2014.

### 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.

#### Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-504. Township of Chester, Delaware County,** 1150 Engle Street, Chester, PA 19013, **Delaware County,** ACOE Philadelphia District.

The project will consist of the demolition of six row homes, debris removal, and the restoration and stabilization of all disturbed areas as a result of this project. These obstructions (houses) will be removed from the floodplain, and the properties will be graded and stabilized with grass and left as open space.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E67-903 Exelon Generation Corporation,** 4948 Conowingo Road, Darlington, MD 21034 in Peach Bottom Township, **York County,** ACOE Baltimore District

To 1) remove 60.0 lineal feet of 6.5 foot wide floating dock from in and along the Susquehanna River (WWF, MF), 2) install and maintain 227.5 lineal feet of 6.5 foot wide floating dock in and along the Susquehanna River (WWF, MF), 3) install and maintain 113.8 lineal feet of 6.5 foot wide floating dock in and along the Susquehanna River (WWF, MF), 4) extend and maintain 60.0 lineal feet of 6.5 foot wide floating dock in kind by 34.3 lineal feet in and along the Susquehanna River (WWF, MF) all for the purpose of providing additional recreational facilities to meet current and future needs. The project is located in Dorsey Park East of Lay Road (Holtwood, PA Quadrangle, Latitude: 39°46'6"N, Longitude: 76°16'16"W) in Peach Bottom Township, York County.

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

**E5829-061: Appalachia Midstream Services, LLC,** 100 IST Center, Horseheads, NY 14845, Auburn Township, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 80 lineal feet of an unnamed tributary to Meshoppen Creek (Auburn Center, PA Quadrangle; Lat. 41° 42' 49", Long. -76° 03' 38");
2. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 7,501 square feet (0.17 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 42' 37", Long. -76° 03' 13");
3. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 917 square feet (0.02 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 42' 33", Long. -76° 03' 00");
4. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,699 square feet (0.04 acre) of a PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 42' 33", Long. -76° 02' 58");
5. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 150 lineal feet of Little Meshoppen Creek (Auburn Center, PA Quadrangle; Lat. 41° 42' 33", Long. -76° 02' 58");
6. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 150 lineal feet of an unnamed tributary to Little Meshoppen Creek (Auburn Center, PA Quadrangle; Lat. 41° 42' 35", Long. -76° 02' 41");
7. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,762 square feet

(0.04 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 42' 41", Long. -76° 01' 50");

8. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 65 lineal feet of an unnamed tributary to Nick Creek (Auburn Center, PA Quadrangle; Lat. 41° 42' 41", Long. -76° 01' 50");

9. a 12 inch diameter natural gas pipeline and temporary timber mat crossing impacting 80 lineal feet of an unnamed tributary to Nick Creek (Auburn Center, PA Quadrangle; Lat. 41° 42' 41", Long. -76° 01' 37").

The Vanorder 12 inch high grade steel gathering line project will transport natural gas for 2.6 miles in Auburn Township, Susquehanna County. The project will result in 525 linear feet of temporary stream impacts, 1,699 (0.04 acre) square feet of wetland conversion impacts, and a total of 10,180 (0.38 acre) square feet of temporary wetland impacts all for the purpose of conveying Marcellus Shale natural gas to market.

**E5829-059. Williams Field Services Company, LLC;** Park Place Corporate Center 2, 2000 Commerce Park Drive, Pittsburgh, PA 15275; Dimock and Springville Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 57 linear feet of White Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 55" Lat., W - 75° 56' 26" Long.),

2) a timber mat crossing impacting 115 square feet (0.01 acre) of a PFO wetland (Springville, PA Quadrangle; N 41° 42' 55" Lat., W - 75° 56' 24" Long.),

3) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 1,216 square feet (0.03 acre) of a PFO wetland (Springville, PA Quadrangle; N 41° 42' 55" Lat., W -75° 56' 23" Long.),

4) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 87 linear feet of an unnamed tributary to White Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 57" Lat., W -75° 56' 12" Long.),

5) a timber mat crossing impacting 22 linear feet of an unnamed tributary to White Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 57" Lat., W -75° 56' 12" Long.),

6) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 82 linear feet of an unnamed tributary to White Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 57" Lat., W -75° 56' 12" Long.),

7) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 6,432 square feet (0.15 acre) of a PSS wetland (Springville, PA Quadrangle; N 41° 42' 57" Lat., W -75° 56' 12" Long.),

8) a timber mat crossing impacting 729 square feet (0.02 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 48" Lat., W -75° 55' 29" Long.),

9) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 4,064 square feet (0.09 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 28" Long.),

10) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 6,363 square feet (0.15 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 26" Long.),

11) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 1,475 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 24" Long.),

12) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 69 linear feet of an unnamed tributary to Thomas Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 24" Long.),

13) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 3,394 square feet (0.08 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 22" Long.),

14) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 1,180 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 20" Long.),

15) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 76 linear feet of an unnamed tributary to Thomas Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 20" Long.),

16) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 939 square feet (0.02 acre) of a PEM wetland (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 18" Long.),

17) a 12-inch diameter natural gas pipeline and timber mat crossing impacting 121 linear feet of an unnamed tributary to Thomas Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 42' 49" Lat., W -75° 55' 18" Long.).

The project consists of constructing approximately 8,931 lineal feet of 12" natural gas gathering line, within a 50 to 75 foot permanent right of way, routed to connect the Shields and Lathrop Compressor Stations located in Dimock and Springville Townships, Susquehanna County. The project will result in 543 lineal feet of temporary stream impacts, 0.18 acre of wetland conversion impacts, and 0.42 acre of temporary wetland impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E0829-085: Chesapeake Appalachia, LLC,** 14 Chesapeake Lane, Sayre, PA 18840, Wilnot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter temporary waterline and a timber mat bridge impacting 23 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°19'52");

2. a 16 inch diameter temporary waterline and a timber mat bridge impacting 25 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) and impacting 259 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'44", Longitude: -76°19'37");

3. a 16 inch diameter temporary waterline and a timber mat bridge impacting 685 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'44", Longitude: -76°19'35");

4. a 16 inch diameter temporary waterline impacting 2 linear feet of North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'42", Longitude: -76°19'29");

5. a 16 inch diameter temporary waterline impacting 5 linear feet of an unnamed tributary to North Branch

Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'14", Longitude: -76°18'31");

6. a 16 inch diameter temporary waterline and a timber mat bridge impacting 269 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'00", Longitude: -76°18'38").

The project will result in 55 linear feet and 362 square feet of temporary stream impacts and 1,213 square feet (0.03 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development in Wilmot Township, Bradford County.

#### 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 #ESG13-121-0005—Schaffner and Fulton Development  
Applicant Sylvan Energy, LLC  
Contact Michael Canich  
Address 1305 Grandview Avenue  
City Pittsburgh State PA Zip Code 15211  
County Venango Township(s) Allegheny(s)  
Receiving Stream(s) and Classification(s) Golby Run to Pine Creek, to Oil Creek, to Allegheny River—Ohio River Basin in PA (List Q) HQ

ESCGP-1 #ESG14-019-0021—Bergbigler Gas Pipeline  
Applicant Mountain Gathering LLC  
Contact Mr. Dewey Chalos  
Address 810 Houston Street  
City Fort Worth State TX Zip Code 76102  
County Butler Township(s) Summit and Clearfield(s)  
Receiving Stream(s) and Classification(s) UNT to Little Buffalo Run and UNT to Bonnie Brook / Buffalo Creek and Connoquenessing Creek

ESCGP-1 #ESX14-019-0020—AK Steel A Pad Pipeline  
Applicant Mountain Gathering, LLC  
Contact Mr. Dewey Chalos  
Address 810 Houston Street  
City Fort Worth State TX Zip Code 76102  
County Butler Township(s) Butler(s)  
Receiving Stream(s) and Classification(s) Sawmill Run / Slippery Rock Creek

ESCGP-1 #ESX14-073-0002—Whiting Central Facility  
South Gathering Pipeline  
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) UNTs to Shenango River (WWF)

ESCGP-1 #ESX14-019-0019—Powell Well Pad  
Applicant R.E. Gas Development, LLC  
Contact Michael Endler  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Penn(s)  
Receiving Stream(s) and Classification(s) UNT to Glade Run, Glade Run, Slippery Rock Creek Watershed WWF

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

ESCGP-2 No.: ESG14-125-0013  
Applicant Name: Range Resources Appalachia LLC  
Contact Person Ms Laura M Rusmisl  
Address: 3000 Town Center Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township: Cross Creek  
Receiving Stream (s) And Classifications: UNTs to South Fork Cross Creek & South Fork Cross Creek / Raccoon Creek Watershed; HQ

ESCGP-2 No.: ESX14-051-0002  
Applicant Name: Laurel Mountain Midstream LLC  
Contact Person: Ms Stephanie L Ranker  
Address: 111 Enterprise Lane  
City: Connellsville State: PA Zip Code: 15425  
County: Fayette Township(s): Springhill  
Receiving Stream(s) and Classifications: Receiving Waters: UNT to Grassy Run, UNT to Georges Creek Watersheds; Cheat River Watershed, Monongahela River Watershed; Other Warm Water Fisheries (WWF)

ESCGP-2 No.: ESX12-125-0068 Major Revision  
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): Amwell, North Franklin, South Franklin  
Receiving Stream(s) and Classifications: UNTs to Reservoir #3 (HQ-WWF), UNTs to Reservoir #4 (HQ-WWF), UNTs to Little Tenmile Creek (TSF); HQ; Other TSF; Siltation-Impaired

ESCGP-2 No.: ESX14-059-0018  
Applicant Name: EQT Production  
Contact Person: Mr Todd Klaner  
Address: 455 Racetrack Road  
City: Washington State: PA Zip Code: 15301  
County: Greene Township(s): Morgan  
Receiving Stream(s) and Classifications: UNT to Browns Run & Browns Run; Other WWF

ESCGP-2 No.: ESX14-063-0003  
 Applicant Name: CONE Gathering LLC  
 Contact Person: Mr Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 COUNTY Indiana Township(s): Center  
 Receiving Stream(s) and Classifications: Tributaries  
 44081 44084 44085 & 44088 to Cherry Run/Conemaugh  
 Muddy Run/Conemaugh; Tributary 44036 to Muddy  
 Run/Conemaugh Other CWF; Siltation-Impaired(Muddy  
 Run Basin)

ESCGP-2 No.: ESX14-059-0017  
 Applicant Name: Laurel Mountain Midstream Operating  
 LLC  
 Contact Person: Mr Joe Dean  
 Address: Park Place Corporate Center 2, 2000 Commerce  
 Drive  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Greene Township(s): Greene

Receiving Stream(s) and Classifications: UNT to Whiteley  
 Creek; Other TSF

ESCGP-2 No.: ESX14-007-0001  
 Applicant Name: PennEnergy Resources LLC  
 Contact Person: Mr Joseph Schwab  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code 15275  
 County: Beaver Township(s): New Sewickley  
 Receiving Stream(s) and Classifications: Brush Creek;  
 Other WWF

ESCGP-2 No.: ESX14-125-0019  
 Applicant Name: EQT Production—Land PA  
 Contact Person: Mr Todd Klaner  
 Address: 455 Racetrack Road Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Washington Township(s): Union  
 Receiving Stream(s) and Classifications: UNT Peters  
 Creek (TSF)/ Middle Monongahela River; Siltation-  
 Impaired

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## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

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The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
14-25-005	Reed Oil Company 511 Montgomery Avenue New Castle, PA 16117 Attn: Loren Hagerman	Erie	Venango Township	5 ASTs storing petroleum products	77,000 gallons total

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## SPECIAL NOTICES

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### Notice of Suspension of Certification to Perform Radon-Related Activities in Pennsylvania In the Matter of Kevin Shaner

On March 20, 2014, the Pennsylvania Department of Environmental Protection (“Department”), under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and the regulations promulgated thereunder at 25 Pa. Code § 240.203(b), suspended Kevin Shaner’s certification to perform radon-related activities in Pennsylvania. The Department suspended Mr. Shaner’s radon mitigation individual certification #2547 for his failure to submit the required 45-day reporting and late reporting fee in violation of 25 Pa. Code § 240.303(a), 25 Pa. Code Ch. 240 Appendix A, and 25 Pa. Code § 240.203(a)(3). Copies of Mr. Shaner’s Suspension are available from Kelley Oberdick, Department of Environmental Protection, 400 Market Street, 13th Floor, Harrisburg, PA 17101, (717) 783-3594.

*Name*  
 Kevin Shaner

*Address*  
 243 Linfield Trappe Road  
 Limerick, PA 19468-1620

*Type of Radon Certification*  
 Mitigation individual

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of March 2014 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Donald Antry	2205 Meadowbrook Dr. Schnecksville, PA 18078	Testing
Thomas Bartholetti	25 Jenners Village Center Ste. 13 West Grove, PA 19390	Testing
Richard Barto	112 Shields Ln. Slippery Rock, PA 16057	Testing
Tom Berardelli	1639 Newton Ransom Blvd. Clarks Summit, PA 18411	Testing
Frederick Buck	PO Box 63 Saylorsburg, PA 18353	Testing
Paul Bukeavich	318 Ridge St. Ashley, PA 18706	Testing
Brian Brucker	2376 Mt. Vernon Ave. Export, PA 15632	Testing
Dean Conrad	1315 Pottsville St. Pottsville, PA 17901	Testing
David DeMar	PO Box 296 Green Lane, PA 18054	Testing
David DeMar Accurate Radon Control, Inc.	PO Box 296 Green Lane, PA 18054	Mitigation
Christopher Earley	1120 Eleanor Cir. Aston, PA 19014	Testing
John Goldsworthy	2007 Carmel Dr. Jamison, PA 18929	Testing
Phil Houck	677 Jacobsburg Rd. Nazareth, PA 18064	Testing
Steven Hunn	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
George Kasimirsky	PO Box 145 Hickory, PA 15340	Testing
Craig Lennox	2801 Soni Dr. Trooper, PA 19403	Testing
Joseph Liotta, IV	2909 Keenwood Rd. Norristown, PA 19403	Mitigation
Greg Mathias	27 Brown St. Lewisburg, PA 17837	Testing
Daniel McLaughlin	1285 Mill Creek Rd. Southampton, PA 18966	Testing
Daniel Moscaritolo	103 Lassen Ln. Milford, PA 18337	Testing
Patrick Otterson	2804 Village Green Ln. Trooper, PA 19403	Testing & Mitigation
Joseph Peake	110 Lakeview Tr. Sugarloaf, PA 18249	Testing
Piotr Podolecki	11 Timber Dr. Alburtus, PA 18011	Mitigation
Wilbur Robinson	107 Laporte Dr. Cranberry Twp., PA 16066	Testing
Brendan Ryan Envirocare of Southwest PA	216 Logan Rd. Valencia, PA 16059	Testing
Lucas Sargent	PO Box 514 Tioga, PA 16946	Testing
George Schambach Professional Home Inspection Service	1278 Vestal Ave. Binghamton, NY 13903	Testing & Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James Stein Alumni Radon Testing	127 W. College Ave. Pleasant Gap, PA 16823	Testing
Timothy Stewart	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
Richard Stump, II Suburban Property Inspections	4600 Kutztown Rd. Temple, PA 19560	Testing
William Thacker	33 Cherry Rd. Airville, PA 17302	Testing
Stanley Watras S.J. Watras, Inc.	32 Indian Ln. Boyertown, PA 19512	Testing & Mitigation
Matthew Winslow	51 Sugar Maple Rd. Barto, PA 19504	Testing
Ronald Zimmerman	PO Box 179 Kutztown, PA 19530	Testing

**DRINKING WATER STATE REVOLVING FUND  
SPECIAL NOTICE**

**Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Glendale Valley Municipal Authority	1800 Beaver Valley Road Flinton, PA 16640	Cambria

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project.

Water quality issues have troubled the Glendale Yearound system since purchase by the Authority in 2008. High levels of manganese, hydrogen sulfide and distribution line sediment are some of the issues causing water quality complaints. Efforts to treat these issues, primarily in the operation of a greensand filter, have been costly and ineffective. This project will eliminate the need for operation of the greensand filter in favor of purchase of finished water from the Reade Township Municipal Authority (RTMA). RTMA water will be purchased at the Reade/White Township boundary and will be used to serve all GVMA water customers. The project will also provide fire hydrants to areas which currently have no fire protection.

*Description:*

The proposed project will interconnect the currently independent systems from Read Township Municipal Authority.

The proposed water interconnection will consist of approximately 8,000 linear feet of water main connecting the two systems. A booster pump station will also be installed to push water to the elevation of the existing Yearound storage tank.

The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Northern Cambria Municipal Authority	1202 Philadelphia Avenue Northern Cambria, PA 15714-3188	Cambria

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project.

The proposed project is a result of a consent order and agreement, dated March 8, 2011 and amended on January 10, 2012, May 16, 2012, and September 11, 2013 between the Northern Cambria Municipal Authority and the DEP. The COA established requirements for the development of an additional groundwater source or sources to replace three of five mine pool sources that were determined to be surface water influenced. Although the remaining two sources can still be utilized, there is still some concern over the long term viability of these sources, and the Authority plans to eliminate all of the mine pool sources as part of this project. The Authority agreed to develop an additional well (the Krumenacker Well #2) and also to interconnect, and buy in bulk, from the nearby Carrolltown water system (by 2016).

The Authority is proposing to expand their Spangler water treatment plant to accommodate the additional water from the new well. The Barnsboro water treatment plant, which treated water from several of the mine pool sources, will be converted to a disinfection booster station. Proposed modifications will include the disconnection of the existing raw water sources into the plant, the elimination of the softening system and the removal of the existing clearwell. Following completion of the modifications, the Barnsboro water treatment plant will be operated solely as a distribution system pumping and chlorine booster station. A new sodium hypochlorite chemical feed system will replace the existing gas chlorination system. The Authority is also replacing all of the meters in their distribution system.

The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.



*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Southwestern Pennsylvania Water Authority	PO Box 187 1442 Jefferson Road Jefferson, PA 15344	Greene

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Southwestern Pennsylvania Water Authority proposes the construction of Phase I of the expansion of their treatment plant capacity. Currently, the Authority has reached its maximum design hydraulic capacity based on the recent AWSR. Additional areas of expansions have dictated greater demand thus, the expansion of the WTP. The Phase I expansion includes the addition of four gravity filters; the installation of two ultraviolet reactors; retrofitting four existing gravity filters with air scour, replacement of four high service pumps and the installation of variable frequency drives at the Tin Can Hollow Water Treatment Plant.

A Second Opinion Review was submitted for this project and reviewed. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 14-771. Filed for public inspection April 11, 2014, 9:00 a.m.]

### **Application of Hilcorp Energy Company for Well Spacing Units; Public Hearing**

A hearing in the application of Hilcorp Energy Company for Well Spacing Units (Doc. No. 2013-01) is scheduled for May 7, 2014, and May 8, 2014, at the Albert P. Gettings Government Center Annex, Lawrence County Government Center, Assembly Room, 349 Countyline Street, New Castle. In the application, Hilcorp requests that the Department of Environmental Protection issue a well drilling and spacing unit order that establishes four gas well drilling units on approximately 3,267 acres of the Utica Shale Formation in Pulaski Township, Lawrence County and Shenango Township, Mercer County.

The proceedings in this matter will be governed by the Oil and Gas Conservation Law (58 P. S. §§ 401—419), 2 Pa.C.S §§ 501—508 and 701—704 (relating to Administrative Agency Law), 25 Pa. Code Chapter 79 (relating to oil and gas conservation) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

The public hearing will consist of two sessions. The first session will begin at 10 a.m. on May 7, 2014, and May 8, 2014, at 9 a.m. All "royalty owners" or "other operators," or both, located within the area proposed for the well spacing order have the opportunity to support, oppose or present their own plan of development at the first session. All "royalty owners" or "other operators," or both, wishing to present testimony at the first session must contact Glenda Davidson at (717) 787-4449 by April 30, 2014, and provide the name, status as a "royalty owner" or "other operator," or both, address and phone number.

The second session will begin at 6 p.m. on May 8, 2014. Interested persons shall be offered an opportunity to be heard regarding the proposed well spacing application at the second session. Interested persons wishing to present testimony at the second session are requested to contact Glenda Davidson at the previously listed phone number by May 1, 2014, to reserve time for oral testimony. Oral testimony will be limited to 5 minutes for each party. Witnesses are requested to submit three copies of their oral testimony to the hearing officer at the time of the hearing.

For information about the Oil and Gas Conservation Law and Hilcorp's Application, visit [www.dep.state.pa.us](http://www.dep.state.pa.us) and click on "Oil and Gas," "Office of Oil and Gas Management" and then "Conservation Law." For more information contact Kurt Klapkowski, Director, Bureau of Oil and Gas Planning and Program Management, (717) 772-2199, [kklapkowski@pa.gov](mailto:kklapkowski@pa.gov).

Documents, motions and pleadings shall be filed with Glenda Davidson, Docket Clerk, Department of Environmental Protection, Office of Chief Counsel, 400 Market Street, 16th Floor, Harrisburg, PA 17105, (717) 787-4449, [gdavidson@pa.gov](mailto:g davidson@pa.gov).

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-772. Filed for public inspection April 11, 2014, 9:00 a.m.]

### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—New Guidance*

*DEP ID:* 394-2125-001. *Title:* Aquifer Testing Guidance for Public Water Systems. *Description:* Department regulations at 25 Pa. Code Chapter 109 (relating to safe drinking water) require an aquifer test for some proposed public water systems (PWS) that intend to utilize ground-water sources. An aquifer test and derivation of aquifer hydraulics are necessary for public health and compliance

with the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17). This technical guidance document outlines recommended aquifer testing procedures for systems that require a permit and for all other PWS's that intend to pump more than 100,000 gallons per day. Information provided in this technical guidance is a stand-alone document and replaces the corresponding procedures in Part II of the Public Water Supply Manual (Department ID: 383-2125-108) pertaining to aquifer testing. This policy reflects and supplements the Department's regulations in 25 Pa. Code Chapter 109. This guidance was published as draft at 43 Pa.B. 5660 (September 21, 2013) for a 30-day public comment period. Comments were received from one commentator. Subsequent to publication, the Department completed minor edits to account for the public comments and to improve readability and accuracy of the document. Revisions to the draft technical guidance document resulting from the public comments are described in the accompanying comment-response document.

*Contact:* Questions regarding this action should be directed to Chad Reisch at (717) 772-4061 or creisch@pa.gov.

*Effective Date:* April 12, 2014

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-773. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Bid Opportunity

**OSM 56(2501)101.1, Abandoned Mine Reclamation Project, Bigby Creek, Summit Township, Somerset County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; flowable backfill 0—100 cubic yards; flowable backfill 101—200 cubic yards; and seeding. This bid issues on April 11, 2014, and bids will be opened on May 13, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-774. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Bid Opportunity

**OSM 26(1080)102.1, Abandoned Mine Reclamation Project, Davidson, Springhill Township, Fayette County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; grading 2,400 cubic yards; coarse aggregate 50 tons; subsurface drain 2,400 cubic yards; channel excavation 20 cubic yards; rock lining 30 square yards; and seeding 0.90 acre. This bid issues on April 11,

2014, and bids will be opened on May 13, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-775. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Allegheny County

Proposals are invited to provide the Department of General Services with 19,132 usable square feet of office space for the Department of Public Welfare in Allegheny County. For more information on SFP No. 94586, which is due on Friday, May 23, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Scott Shelton at (717) 787-5546 or scshelton@pa.gov.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-776. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Apple Hill Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Apple Hill Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(a)(1) and (2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-777. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Berkshire Eye Surgery Center, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berkshire Eye Surgery Center, LP has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.6.10(2) (relating to soiled workrooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-778. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 117.30 (relating to emergency paramedic services).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-779. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Doylestown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemption from the following standards contained in this publication: 2.2-2.2.2.5(a)(b) (relating to hand-washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-780. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Lehigh Valley Hospital—Cedar Crest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Lehigh Valley Hospital—Cedar Crest has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 2.1-7.2.3.4(a)(b)(c) (relating to ceilings).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-781. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Pinnacle Health at Community General Osteopathic Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health at Community General Osteopathic Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.5.7.1 (relating to staff clothing change area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-782. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 2.2-3.1.2.6(2)(c) (relating to cabinets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-783. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Robert Packer Hospital Endoscopy Center for Exceptions

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital Endoscopy Center has requested exceptions to the requirements of 28 Pa. Code §§ 553.1, 553.3(5), 553.31, 555.1—555.3, 557.3, 557.4, 567.2 and 567.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-784. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of St. Luke's Hospital—Anderson for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital—Anderson has requested an exception to the requirements of 28 Pa. Code § 105.1 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-785. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 2.2.2.8(2)(3) (relating to patient storage).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-786. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of UPMC Hamot for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Hamot has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 2.1-7.2.3.4(3)(a) (relating to ceilings in restricted areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-787. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of UPMC Horizon Shenango Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon Shenango Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 2.1-2.2.6.3 and 2.2-2.2.2.5(1)(b) (relating to patient toilet rooms; and hand-washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-788. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Application of Wellspan Surgery and Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wellspan Surgery and Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-789. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Brandywine Hall  
800 West Miner Street  
West Chester, PA 19382  
FAC ID # 023902

Brinton Manor  
549 Baltimore Pike  
Glen Mills, PA 19342  
FAC ID # 033502

Denver Health and Rehabilitation Center  
400 Lancaster Avenue  
Stevens, PA 17578  
FAC ID # 041102

Wayne Center  
30 West Avenue  
Wayne, PA 19087  
FAC ID # 750102

Zerbe Sisters Nursing Center, Inc.  
2499 Zerbe Road  
Narvon, PA 17555  
FAC ID # 260402

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 205.6(a) (relating to function of building):

Presbyterian Home of Greater Johnstown  
787 Goucher Street  
Johnstown, PA 15905  
FAC ID # 680102

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 205.36(b) (relating to bathing facilities):

Watsonstown Nursing and Rehabilitation Center  
245 East Eighth Street  
Watsonstown, PA 17777  
FAC ID # 110702

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-790. Filed for public inspection April 11, 2014, 9:00 a.m.]

## 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>
Jems Fabrication, Inc., John Kiser and Donald Kiser, individually FEIN No. 26-2752719	619 Elder Street Suite 100 Johnstown, PA 15902	3/19/2014
Dekorte Excavating, Inc. and Alan Dekorte, individually FEIN No. 26-1244458	1544 Penn Drive Andreas, PA 18211  66 Dead End Lane Lehighton, PA 18235	3/19/2014

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-791. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Wednesday, May 14, 2014, at 10 a.m. at the Keystone Building, 400 North Street, Hearing Room 5, Harrisburg, PA 17105.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at [www.dli.state.pa.us](http://www.dli.state.pa.us). Scroll down and click on the link for "Uniform Construction Code" then "UCC Review and Advisory Council."

Questions concerning this may be directed to Kim D. Peck at (717) 783-6304.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-792. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payment

The Department of Public Welfare (Department) is announcing its intent to establish a new class of disproportionate share hospital (DSH) payments to certain qualifying hospitals that provide a high volume of services to the Medical Assistance (MA) population to ensure their participation in the MA Program. This payment is intended to improve access to inpatient and ancillary outpatient services in this Commonwealth; support a regional medical campus and academic medical programs that provide integrated patient centered medical services; and promote the supply of requisite medical professionals to treat the MA population. The Department intends to allocate funding for this additional class of DSH payment to qualifying hospitals for Fiscal Year (FY) 2013-2014.

The Department determines a hospital eligible for this additional class of DSH payment 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.
2. The hospital ranked at or above the 92nd percentile of all acute care hospitals on the total acute care inpatient days provided to MA beneficiaries.
3. The hospital ranked at or above the 94th percentile of all acute care hospitals on Net Pennsylvania (PA) MA Outpatient Revenues.
4. The hospital is accredited as an Adult Level I Trauma Center and a Pediatric Level I Trauma Center according to the Pennsylvania Trauma Systems Foundation's 2012 Annual Report.
5. The hospital is part of an academic medical center that includes a regional medical campus in a county of the fourth class.

The Department will divide the total payment proportionately among all qualifying hospitals based on each hospital's total MA acute care inpatient days to total MA acute care inpatient days for all qualified hospitals. In making these payments, the Department will ensure that no hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper limit and the Commonwealth will not exceed its aggregate DSH allotment.

#### *Fiscal Impact*

The FY 2013-2014 impact, as a result of the funding allocation for this payment is \$5.379 million (\$2.5 million in State general funds and \$2.879 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-857. (1) General Fund; (2) Implementing Year 2013-14 is \$2,500,000; (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—\$12,618,000; 2011-12 Program—\$12,618,000; 2010-11 Program—\$18,871,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-793. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Fabulous Fortune 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 Fabulous Fortune.

2. *Price:* The price of a Pennsylvania Fabulous Fortune instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Fabulous Fortune instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING 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) and 20 (TWENT). 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), Crown (CROWN) symbol and a FABULOUS (WIN20) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “Prize” areas are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$80.<sup>00</sup> (EIGHTY), \$100 (ONE HUN), \$300 (THR HUN), \$600 (SIX HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100, \$300, \$600, \$1,000 and \$25,000. The player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Fabulous Fortune 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 \$25,000 (TWYFIVTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(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 \$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.

(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 \$600 (SIX HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$600.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$600 (SIX HUN) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$600.

(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 \$300 (THR HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$300 (THR HUN) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$300.

(g) 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.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(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 \$80.<sup>00</sup> (EIGHTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$80.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$80.<sup>00</sup> (EIGHTY) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$80.



(k) 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 \$40.00 (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.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$40.00 (FORTY) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(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 \$20.00 (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.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$20.00 (TWENTY) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Fabulous (WIN20) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) 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 \$10.00 (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.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$10.00 (TEN DOL) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) 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 \$5.00 (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) 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 \$4.00 (FOR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$4.00 (FOR DOL) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(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 \$2.00 (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CROWN (CROWN) symbol and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area under that CROWN (CROWN) symbol, on a single ticket, shall be entitled to a prize of \$2.

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 10,800,000 Tickets</i>
\$2 w/ CROWN	\$2	13.64	792,000
\$2	\$2	30	360,000
(\$2 w/ CROWN) × 2	\$4	75	144,000
\$4 w/ CROWN	\$4	37.5	288,000
\$4	\$4	150	72,000
\$5 w/ CROWN	\$5	30	360,000
\$5	\$5	150	72,000
\$2 × 5	\$10	500	21,600
\$5 × 2	\$10	500	21,600
\$10 w/ CROWN	\$10	125	86,400
\$10	\$10	750	14,400
(\$2 × 5) + (\$5 × 2)	\$20	1,500	7,200
\$20 w/ FABULOUS	\$20	187.5	57,600
\$20 w/ CROWN	\$20	1,500	7,200
\$20	\$20	1,500	7,200
\$10 × 4	\$40	4,000	2,700
(( \$20 w/ FABULOUS ) × 2)	\$40	1,000	10,800
(\$5 w/ CROWN) × 8	\$40	2,000	5,400
\$40 w/ CROWN	\$40	3,000	3,600
\$40	\$40	4,000	2,700
(( \$20 w/ FABULOUS ) × 4)	\$80	2,400	4,500
(\$10 w/ CROWN) × 8	\$80	3,000	3,600
\$80 w/ CROWN	\$80	4,000	2,700
\$80	\$80	6,000	1,800

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
(\$40 × 2) + \$20	\$100	12,000	900
(\$10 × 6) + (\$20 × 2)	\$100	6,000	1,800
(((\$20 w/ FABULOUS) × 5)	\$100	4,800	2,250
\$100 w/ CROWN	\$100	4,800	2,250
\$100	\$100	8,000	1,350
(\$40 × 7) + \$20	\$300	40,000	270
(((\$20 w/ FABULOUS) × 5) + (\$100 × 2)	\$300	24,000	450
\$300 w/ CROWN	\$300	30,000	360
\$300	\$300	60,000	180
(\$80 × 7) + \$40	\$600	120,000	90
(((\$20 w/ FABULOUS) × 5) + (\$100 × 2) + \$300	\$600	60,000	180
\$600 w/ CROWN	\$600	60,000	180
\$600	\$600	120,000	90
\$1,000	\$1,000	30,000	360
\$25,000	\$25,000	540,000	20

Reveal a "CROWN" (CROWN) symbol, win prize shown under it automatically.

Reveal a "FABULOUS" (WIN20) symbol, win \$20 instantly.

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 Program for retailers who sell Pennsylvania Fabulous Fortune instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fabulous Fortune, prize money from winning Pennsylvania Fabulous Fortune 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 Fabulous Fortune 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.

12. *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.

13. *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 Fabulous Fortune or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 14-794. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Pennsylvania Lucky X20 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 Lucky X20.

2. *Price:* The price of a Pennsylvania Lucky X20 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Lucky X20 instant lottery game ticket will contain one play area featuring 15 play symbols and their captions. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), LUCKY (LUCKY) symbol, X5 (5TIMES) symbol and a X20 (20TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$75<sup>00</sup> (SVY FIV), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$250

(TWOHUNFTY), \$500 (FIV HUN), \$750 (SVNHUNFTY), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$75, \$100, \$150, \$250, \$500, \$750, \$1,000, \$5,000 and \$100,000. The player can win up to 15 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,000,000 tickets will be printed for the Pennsylvania Lucky X20 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$100,000 (ONEHUNTHO) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with an X20 (20TIMES) symbol in the play area and a prize symbol of \$5,000 (FIV THO) in the "Prize" area under that X20 (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$5,000 (FIV THO) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$1,000 (ONE THO) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$1,000 (ONE THO) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with an X20 (20TIMES) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) in the "Prize" area under that X20 (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$750 (SVNHUNFTY) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$750.

(h) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with an X20 (20TIMES) symbol in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) in the "Prize" area under that X20 (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets with an X20 (20TIMES) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the "Prize" area under that X20 (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$250 (TWOHUNFTY) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets with an X20 (20TIMES) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the "Prize" area under that X20 (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$150 (ONEHUNFTY) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$150.

(p) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$125.

(q) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with an X20 (20TIMES) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the "Prize" area under that X20 (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$75<sup>00</sup> (SVY FIV) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$75.

(u) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$15<sup>00</sup> (FIFTN) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$75.

(v) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets with an X5 (5TIMES) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the "Prize" area under that X5 (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL)

in the "Prize" area under that LUCKY (LUCKY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets with a LUCKY (LUCKY) symbol in the play area and a prize symbol of \$5<sup>.00</sup> (FIV DOL) in the "Prize" area under that LUCKY (LUCKY) symbol, on

a single ticket, shall be entitled to a prize of \$5.

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>Reveal A "LUCKY" (LUCKY) Symbol In The Play Area, Win Prize Shown Under It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,000,000 Tickets</i>
\$5	\$5	8.57	1,050,000
\$5 × 2	\$10	40	225,000
\$10	\$10	30	300,000
\$10 × 2	\$20	150	60,000
\$5 × 4	\$20	200	45,000
\$20	\$20	200	45,000
\$5 × 5	\$25	600	15,000
\$5 w/ X5	\$25	100	90,000
\$25	\$25	600	15,000
\$10 × 4	\$40	600	15,000
(\$5 w/ X5) + (\$5 × 3)	\$40	200	45,000
\$40	\$40	600	15,000
(\$5 w/ X5) × 2	\$50	300	30,000
\$10 w/ X5	\$50	600	15,000
\$50	\$50	600	15,000
\$5 × 15	\$75	2,400	3,750
\$25 × 3	\$75	2,400	3,750
\$15 w/ X5	\$75	480	18,750
\$75	\$75	2,400	3,750
\$50 × 2	\$100	4,000	2,250
(\$40 × 2) + (\$10 × 2)	\$100	4,000	2,250
(\$10 w/ X5) + (\$5 × 10)	\$100	1,714	5,250
\$20 w/ X5	\$100	2,400	3,750
\$5 w/ X20	\$100	600	15,000
\$100	\$100	6,000	1,500
\$10 × 15	\$150	12,000	750
\$75 × 2	\$150	20,000	450
(\$25 w/ X5) + \$25	\$150	10,000	900
(\$5 w/ X20) + \$50	\$150	8,571	1,050
\$150	\$150	20,000	450
(\$100 × 2) + \$50	\$250	40,000	225
(\$10 w/ X5) + (\$20 × 10)	\$250	17,143	525
\$50 w/ X5	\$250	24,000	375
(\$10 w/ X20) + (\$25 × 2)	\$250	10,000	900
\$250	\$250	40,000	225
\$50 × 10	\$500	60,000	150
\$250 × 2	\$500	120,000	75
(\$20 w/ X5) + (\$40 × 10)	\$500	40,000	225
\$100 w/ X5	\$500	60,000	150
(\$20 w/ X20) + (\$20 w/ X5)	\$500	17,143	525
\$500	\$500	120,000	75
\$50 × 15	\$750	60,000	150
\$75 × 10	\$750	120,000	75
(\$25 w/ X20) + (\$20 w/ X5) + \$150	\$750	30,000	300
\$750	\$750	120,000	75
\$500 × 2	\$1,000	120,000	75
(\$20 w/ X5) × 10	\$1,000	60,000	150
\$50 w/ X20	\$1,000	60,000	150
\$1,000	\$1,000	120,000	75
\$1,000 w/ X5	\$5,000	450,000	20
\$5,000	\$5,000	450,000	20
\$5,000 w/ X20	\$100,000	1,800,000	5
\$100,000	\$100,000	1,800,000	5

Reveal an "X5" (5TIMES) symbol, win 5 times the prize shown under it.

Reveal an "X20" (20TIMES) symbol, win 20 times the prize shown under it.

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 Program for retailers who sell Pennsylvania Lucky X20 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky X20, prize money from winning Pennsylvania Lucky X20 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 Lucky X20 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.

12. *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.

13. *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 Lucky X20 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 14-795. Filed for public inspection April 11, 2014, 9:00 a.m.]

## Pennsylvania Money Money Millionaire 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 Money Money Millionaire.

2. *Price:* The price of a Pennsylvania Money Money Millionaire instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Money Money Millionaire instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a separate “BONUS” area. The “BONUS” area is played separately. The play symbols and their captions located in the “WINNING 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 (THYTWO), 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 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Diamond (DMND) symbol, Money (MONEY) symbol, and a MILLIONAIRE (\$1MIL) symbol. The play symbols and their captions located in the “BONUS” area are: Bell (BELL) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Crown (CRN) symbol, Key (KEY) symbol, Lock (LOCK) symbol, Pencil (PENCIL) symbol, Ring (RING) symbol, Safe (SAFE) symbol, 7 (SEVN) symbol, Horseshoe (SHOE) symbol, Star (STAR) symbol, Wallet (WALLET) symbol and a \$100 Box (WIN100) 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. The prize that can be won in the “BONUS” area is \$100. A player can win up to 21 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Money Money Millionaire 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 one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MILLIONAIRE (\$1MIL) symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(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 \$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.

(d) 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.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$500 (FIV HUN) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) 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.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the Diamond (DMND) symbol, 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 is a Money (MONEY) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all 20 of the “prize” areas, 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 Diamond (DMND) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the Diamond (DMND) 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 Money (MONEY) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in fifteen 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 is a Money (MONEY) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(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 Diamond (DMND) symbol, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under the Diamond (DMND) 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 Money (MONEY) symbol, and 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 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.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the Diamond (DMND) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which a \$100 BOX (WIN100) symbol appears in the “BONUS” area, 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 Diamond (DMND) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the Diamond (DMND) 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 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.

(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 \$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.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the Diamond (DMND) symbol, on a single ticket, shall be entitled to a prize of \$30.

(x) 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.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears

in the “prize” area under the Diamond (DMND) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) 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.

(aa) Holders of tickets upon which any one of the

“YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the Diamond (DMND) symbol, on a single ticket, shall be entitled to a prize of \$20.

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:

*When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:*

\$20 w/ DIAMOND
\$20
\$25 w/ DIAMOND
\$25
\$30 w/ DIAMOND
\$30
\$20 × 2
(\$20 w/ DIAMOND) × 2
\$40
\$25 × 2
(\$30 w/ DIAMOND) + \$20
\$50 w/ DIAMOND
\$50
\$25 × 4
\$100 w/ BONUS
(\$20 w/ DIAMOND) × 5
\$100 w/ DIAMOND
\$100
MONEY w/ ((\$20 × 5) + (\$10 × 15))
((\$100 w/ BONUS) × 2) + \$50
(\$50 w/ DIAMOND) × 5
\$250 w/ DIAMOND
\$250
MONEY w/ (\$20 × 20) + (\$100 w/ BONUS)
MONEY w/ ((\$40 × 5) + (\$20 × 15))
\$250 × 2
(\$50 w/ DIAMOND) × 5) + ((\$25 w/ DIAMOND) × 10)
\$500 w/ DIAMOND
\$500
MONEY w/ (\$50 × 20)
\$250 × 4
(\$100 w/ BONUS) × 4) + (\$100 × 6)
(\$100 w/ DIAMOND) × 5) + ((\$50 w/ DIAMOND) × 10)
\$1,000 w/ DIAMOND
\$1,000
MONEY w/ (\$500 × 20)
\$1,000 × 10
\$10,000
\$100,000
\$1,000,000 w/ MILLIONAIRE
\$1,000,000

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets:</i>
\$20	10	660,000
\$20	30	220,000
\$25	30	220,000
\$25	30	220,000
\$30	42.86	154,000
\$30	100	66,000
\$40	300	22,000
\$40	100	66,000
\$40	300	22,000
\$50	150	44,000
\$50	100	66,000
\$50	100	66,000
\$50	150	44,000
\$100	300	22,000
\$100	300	22,000
\$100	300	22,000
\$100	300	22,000
\$100	300	22,000
\$250	300	22,000
\$250	631.58	10,450
\$250	1,200	5,500
\$250	1,200	5,500
\$250	2,400	2,750
\$500	600	11,000
\$500	3,000	2,200
\$500	6,000	1,100
\$500	2,000	3,300
\$500	2,000	3,300
\$500	6,000	1,100
\$1,000	3,000	2,200
\$1,000	12,000	550
\$1,000	4,000	1,650
\$1,000	6,000	1,100
\$1,000	8,000	825
\$1,000	24,000	275
\$10,000	264,000	25
\$10,000	188,571	35
\$10,000	440,000	15
\$100,000	440,000	15
\$1,000,000	2,200,000	3
\$1,000,000	3,300,000	2

Reveal a “DIAMOND” (DMND) symbol, win prize shown under that symbol automatically.  
 Reveal a “MONEY” (MONEY) symbol, win all 20 prizes shown.  
 Reveal a “MILLIONAIRE” (\$1MIL) symbol, win \$1,000,000 instantly!  
 Bonus: Win \$100 for each “\$100 BOX” (WIN100) symbol revealed. Bonus played separately.

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 Program for retailers who sell Pennsylvania Money Money Millionaire instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Money Millionaire, prize money from winning Pennsylvania Money Money Millionaire 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 Money Money Millionaire 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.

12. *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.

13. *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 Money Money Millionaire or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 14-796. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Pennsylvania Road 2 Riche\$ 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 Road 2 Riche\$.

2. *Price:* The price of a Pennsylvania Road 2 Riche\$ instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Road 2 Riche\$ instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Credit Card (CARD) symbol, Tow Truck (TOW) symbol, Camera (CAMERA) symbol, Sun (SUN) symbol, Cell Phone (CELL) symbol, Music (MUSIC) symbol, Road

Sign (SIGN) symbol, Map (MAP) symbol, Tire (TIRE) symbol, Yield Sign (YIELD) symbol, Stop Sign (STOP) symbol, Gas Pump (GAS) symbol, Car (CAR) symbol and a Keystone (2TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$20, \$40, \$50, \$100, \$1,000 and \$10,000. The player can win up to 6 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Road 2 Riche\$ instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$10,000 (TEN THO) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$1,000 (ONE THO) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Keystone (2TIMES) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Keystone (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a Keystone (2TIMES) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) in the “prize” area under that Keystone (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a Keystone (2TIMES) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the “prize” area under that Keystone (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a Keystone (2TIMES) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the “prize” area under that Keystone (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$5.



(l) Holders of tickets with a Keystone (2TIMES) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) in the “prize” area under that Keystone (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$3<sup>00</sup> (THR DOL) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with a Keystone (2TIMES) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) in the “prize” area under that Keystone (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets with a Car (CAR) symbol in the play area and a prize symbol of FREE (TICKET) in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Road 2 Riche\$ instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

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>Scratch The Play Area. Reveal A “CAR” (CAR) Symbol, Win Prize Shown Under It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
FREE	FREE \$1 TICKET	9.52	1,260,000
\$1 w/ Keystone	\$2	30	400,000
\$2	\$2	60	200,000
\$1 w/ Keystone + \$1	\$3	42.86	280,000
\$3	\$3	150	80,000
\$1 × 5	\$5	600	20,000
(\$1 w/ Keystone) + \$3	\$5	150	80,000
(\$2 w/ Keystone) + \$1	\$5	200	60,000
\$5	\$5	600	20,000
(\$2 × 4) + (\$1 × 2)	\$10	600	20,000
(\$3 × 2) + (\$1 × 4)	\$10	600	20,000
(\$2 w/ Keystone) + (\$3 × 2)	\$10	375	32,000
\$5 w/ Keystone	\$10	428.57	28,000
\$10	\$10	600	20,000
(\$2 × 5) + \$10	\$20	1,000	12,000
\$10 w/ Keystone	\$20	375	32,000
\$20	\$20	3,000	4,000
((\$5 w/ Keystone) × 2) + (\$5 × 4)	\$40	1,500	8,000
\$40	\$40	3,000	4,000
(\$20 × 4) + (\$10 × 2)	\$100	12,000	1,000
\$50 w/ Keystone	\$100	9,600	1,250
\$100	\$100	24,000	500
(\$100 w/ Keystone) × 5	\$1,000	80,000	150
\$1,000	\$1,000	240,000	50
\$10,000	\$10,000	600,000	20

Reveal a “Keystone” (2TIMES) symbol, win double the prize shown under that symbol.

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 Program for retailers who sell Pennsylvania Road 2 Riche\$ instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaran-

teed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Road 2 Riche\$, prize money from winning Pennsylvania Road 2 Riche\$ 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 Road 2 Riche\$ 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.

12. *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.

13. *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 Road 2 Riche\$ or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 14-797. Filed for public inspection April 11, 2014, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, April 11, 2014, at 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Kara N. Templeton will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact John Zimmerman at (717) 783-4534. These concerns will be discussed during “Items from the Floor” on the agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact John Zimmerman at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, PE,  
*Secretary*

[Pa.B. Doc. No. 14-798. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Thursday, April 17, 2014, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

BARRY J. SCHOCH, PE,  
*Secretary*

[Pa.B. Doc. No. 14-799. Filed for public inspection April 11, 2014, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2014

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2014 total allowable commercial catch for walleye from the Commonwealth waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to March 14 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2014 total allowable commercial catch for yellow perch from the Commonwealth waters of Lake Erie is 100,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 100,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 14-800. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Lake Erie Creel Limits for Walleye and Yellow Perch 2014

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.12b (relating to Lake Erie walleye and yellow perch adaptive management for establishing daily limits), has established the daily limits for walleye and yellow perch that are necessary and appropriate for the better protection and management of the fishery. Effective May 1, 2014, the daily limit for walleye in Lake Erie is 6, and the daily limit for yellow perch is 30.

The Executive Director may revise the daily limit for walleye or yellow perch if he determines that conditions so warrant. The daily limits will remain in effect until April 30, 2015, or until the Executive Director establishes new daily limits. Anglers are responsible for obtaining the current daily limits for walleye and yellow perch on Lake Erie including Presque Isle Bay prior to fishing those waters.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 14-801. Filed for public inspection April 11, 2014, 9:00 a.m.]

### Mentored Youth Fishing Day Program

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), at 43 Pa.B. 7603 (December 28, 2013) and 44 Pa.B. 973 (February 15, 2014), previously took

immediate action to allow individuals participating in the Mentored Youth Fishing Day Program to fish for trout on March 22, and April 5, 2014, beginning at 8 a.m. and ending at 7:30 p.m., on waters designated by the Executive Director that are normally closed to trout fishing on those dates. The Executive Director subsequently cancelled both days because the waters included in the Mentored Youth Fishing Day Program were covered in ice and were not expected to completely thaw in advance of the program.

Now acting under the authority of 58 Pa. Code § 65.20 (relating to Mentored Youth Fishing Day Program) which went into effect on March 22, 2014 at 44 Pa.B. 1764 (March 22, 2014), the Executive Director has designated May 10, 2014, as a Mentored Youth Fishing Day for trout. This designation will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

To participate, anglers 16 years of age or older (adult anglers) must possess a valid Pennsylvania fishing license and current trout/salmon permit and be accompanied by a youth (less than 16 years of age) who has obtained a mentored youth permit or a voluntary youth license from the Commission. Youth anglers must obtain a mentored youth permit or a voluntary youth license from the Commission and be accompanied by an adult angler to participate.

The minimum size will be 7 inches; the creel limit will be 2 trout (combined species). Other Commonwealth inland regulations will apply. It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program except in compliance with the requirements of 58 Pa. Code § 65.20 when participating in the program.

From 8 a.m. to 7:30 p.m., the identified waters will be open only to program participants. After 7:30 p.m., the waters will be open to all licensed anglers. To ensure that plenty of stocked trout are available to anglers on the Mentored Youth Fishing Day, all program waters will be closed to fishing from 12 p.m. on May 9, 2014, until 8 a.m. on May 10, 2014.

The waters included in the Mentored Youth Fishing Day Program on May 10, 2014 are:

<i>County</i>	<i>Water</i>
Adams	Orrtanna Pond (Pond One)
Allegheny	North Park Lake
Berks	Antietam Lake
Berks	Scotts Run Lake—French Creek State Park
Bucks	Levittown Lake
Butler	Harbar Acres Lake
Cambria	Lake Rowena

<i>County</i>	<i>Water</i>
Centre	Cold Stream Dam
Clearfield	Janesville Dam
Clearfield	Parker Lake—Parker Dam State Park
Columbia	Briar Creek Lake
Cumberland	Children's Lake
Cumberland	Doubling Gap Lake—Colonel Denning State Park
Dauphin	Middletown Reservoir
Elk	Twin Lakes
Erie	East and West Basin Ponds—Presque Isle State Park
Erie	Upper Gravel Pit
Fayette	Dunlap Creek Lake
Fulton	Cowans Gap Lake—Cowans Gap State Park
Huntingdon	Whipple Lake—Whipple Dam State Park
Jefferson	Cloe Lake
Lackawanna	Eston Wilson Lake
Lebanon	Lions Lake
Lehigh	Lehigh Canal, Section 08
Luzerne	Lake Frances—Nescopeck State Park
Lycoming	Little Pine Lake
McKean	Hamlin Lake
Mercer	Buhl Lake
Monroe	Hidden Lake
Montgomery	Deep Creek Dam—Green Lane Park
Perry	Little Buffalo Lake—Little Buffalo State Park
Pike	Lily Pond
Potter	Lyman Run Reservoir—Lyman Run State Park
Schuylkill	Locust Lake
Somerset	Laurel Hill Lake—Laurel Hill State Park
Tioga	Hamilton Lake
Union	Halfway Lake—RB Winter State Park
Warren	Chapman Dam Reservoir—Chapman State Park
Washington	Canonsburg Lake
Westmoreland	Mammoth Lake
Westmoreland	Twin Lakes Number One Reservoir (Lower)

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 14-802. Filed for public inspection April 11, 2014, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comments Period</i>	<i>IRRC Comments Issued</i>
#16A-5328	State Board of Nursing Continuing Education; Reporting of Crimes and Discipline 44 Pa.B. 648 (February 1, 2014)	03/03/14	04/02/14

**State Board of Nursing**  
**Regulation #16A-5126 (IRRC #3046)**  
**Continuing Education; Reporting of Crimes and  
 Discipline**  
**April 2, 2014**

We submit for your consideration the following comments on the proposed rulemaking published in the February 1, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Nursing (Board) to respond to all comments received from us or any other source.

**1. Section 21.29a. Reporting of crimes and disciplinary action.—Protection of the public health, safety and welfare.**

This new section requires registered nurses to report crimes and disciplinary actions to the Board within specified time frames. We note that § 21.29(c)(4) of the Board’s existing regulations requires registered nurses to disclose, among other things, pending criminal charges on their application for license renewal. We believe that the public safety may be better protected if this new section included a similar requirement to disclose any pending criminal charges and disciplinary actions. We ask the Board to consider this recommendation as it prepares the final-form regulation.

Similar language is being proposed for practical nurses at § 21.156b and at § 21.723a for licensed dietitian-nutritionists. We ask the Board to consider this recommendation for those sections as well.

**2. Section 21.131. Continuing education.—Statutory authority; Reasonableness; Clarity.**

Under Subsection (b), applicants for initial licensure are not required to meet continuing education requirements for the first renewal immediately following licensure. One of the proposed amendments to this subsection deletes the phrase “by examination.” Does the deletion of this phrase allow applicants for initial licensure by reciprocity in the Commonwealth to be exempt from continuing education requirements for the first renewal immediately following licensure? If so, we ask the Board to provide the statutory basis for this exemption and why it believes this is reasonable.

**3. Miscellaneous clarity.**

Section 21.131(h)(4) includes a reference to Section 14(a)(4)(i) of the Professional Nursing Law. To be consistent with other sections of the Board’s regulations, we recommend that the appropriate *Purdon’s* citation be included in the final-form regulation.

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 14-803. Filed for public inspection April 11, 2014, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is 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.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-535	Department of Public Welfare Supplemental Ventilator Care Payment for Medical Assistance Nursing Facilities	3/28/14	5/1/14

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 14-804. Filed for public inspection April 11, 2014, 9:00 a.m.]

## OFFICE OF OPEN RECORDS

### Hearing in the Matter of Ronald Rudberg v. Department of Labor and Industry; Pennsylvania Office of Open Records Doc. No. AP 2010-0774

A hearing on the previously-captioned Right-To-Know appeal will be held as follows:

*Date:* April 30, 2014  
*Time:* 10 a.m.  
*Location:* Hearing Room 5  
 Plaza Level Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120  
*Presiding:* Charles Rees Brown, Esq.  
 Hearing Officer  
 400 North Street, Plaza Level  
 Harrisburg, PA 17120  
 (717) 364-9903, fax (717) 425-5343

This hearing is being conducted under section 1101(a)(2) of the Right-to-Know Law (65 P. S. § 67.1101(a)(2)) to determine whether certain employee performance reviews are exempt from disclosure.

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717) 346-9903 at least 10 business days prior to the hearing to submit the request.

TERRY MUTCHLER,  
*Executive Director*

[Pa.B. Doc. No. 14-805. Filed for public inspection April 11, 2014, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Wednesday, April 23, 2014.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 14-806. Filed for public inspection April 11, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 28, 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-2014-2402513. Lucinda M Groff** (2343 Sue Ann Drive, Lancaster, Lancaster County, PA 17602) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Chester and Lancaster, to points in Pennsylvania, and return.

**A-2014-2407753. Unicare Ambulance, LLC** (237 West Lancaster Avenue, Suite 203, Devon, Chester County, PA 19333) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

#### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

**A-2014-2412471. Harrison Global, LLC, t/d/b/a Boston Coach** (224 Calvary Street, Waltham, MA 02453) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11 to 15 passengers, between points in Pennsylvania; which is to be a transfer of all right authorized under the certificate issued at A-00107814 to Boston Coach-Pennsylvania Corp., subject to the same limitations and conditions. *Attorney:* Margaret A. Morris, Esquire, Cira Center, 13th Floor, 2929 Arch Street, Philadelphia, PA 19104.

#### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

**A-2014-2405379. Suburban Solutions Moving & Transport, LLC** (1810 Francis Street, Philadelphia, Philadelphia County, PA 19130) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of Bucks,

Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2014-2404978. L & M Connect, LLC** (1654 MacAfee Road, Milan, Bradford County, PA 18831) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, between points in Bradford, Tioga, Susquehanna and Sullivan Counties.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 14-807. Filed for public inspection April 11, 2014, 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 April 28, 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. Medex Ambulance Inc;*  
*Doc. No. C-2014-2401868*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Medex Ambulance Inc, (respondent) is under suspension effective August 11, 2013 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 341 Philmont Avenue, Feasterville, PA 19053.
3. That respondent was issued a Certificate of Public Convenience by this Commission on January 31, 2011, at A-6411402.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6411402 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/22/2014

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

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

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-808. Filed for public inspection April 11, 2014, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed proposals for Project No. 14-019.0, Request for Proposal—Sale/Removal of Crane K-5 at Packer Avenue Marine Terminal, until 2 p.m. on Thursday, May 22, 2014. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 14-809. Filed for public inspection April 11, 2014, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Jennifer A. Webb, LPN; Doc. No. 2092-51-12

On January 29, 2014, Jennifer A. Webb, LPN, license no. PN256306L, last known of Mililani, HI, was suspended for 1 year, stayed immediately in favor of probation based on her conviction of defrauding secured creditors and bad checks, both misdemeanors of the second degree and crimes of moral turpitude and having committed fraud or deceit in the practice of practical nursing or in securing her admission to the practice by failing to disclose her convictions on her renewal application.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) 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 Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 14-810. Filed for public inspection April 11, 2014, 9:00 a.m.]

