

PENNSYLVANIA BULLETIN

Volume 44

Number 27

Saturday, July 5, 2014 • Harrisburg, PA

Pages 4157—4326

See Part II page 4271
Subject Index for
January—June 2014

Part I

Agencies in this issue

The Courts

Department of Banking and Securities

Department of Conservation and Natural
Resources

Department of Environmental Protection

Department of General Services

Department of Health

Department of Public Welfare

Department of Revenue

Fish and Boat Commission

Health Care Cost Containment Council

Independent Regulatory Review Commission

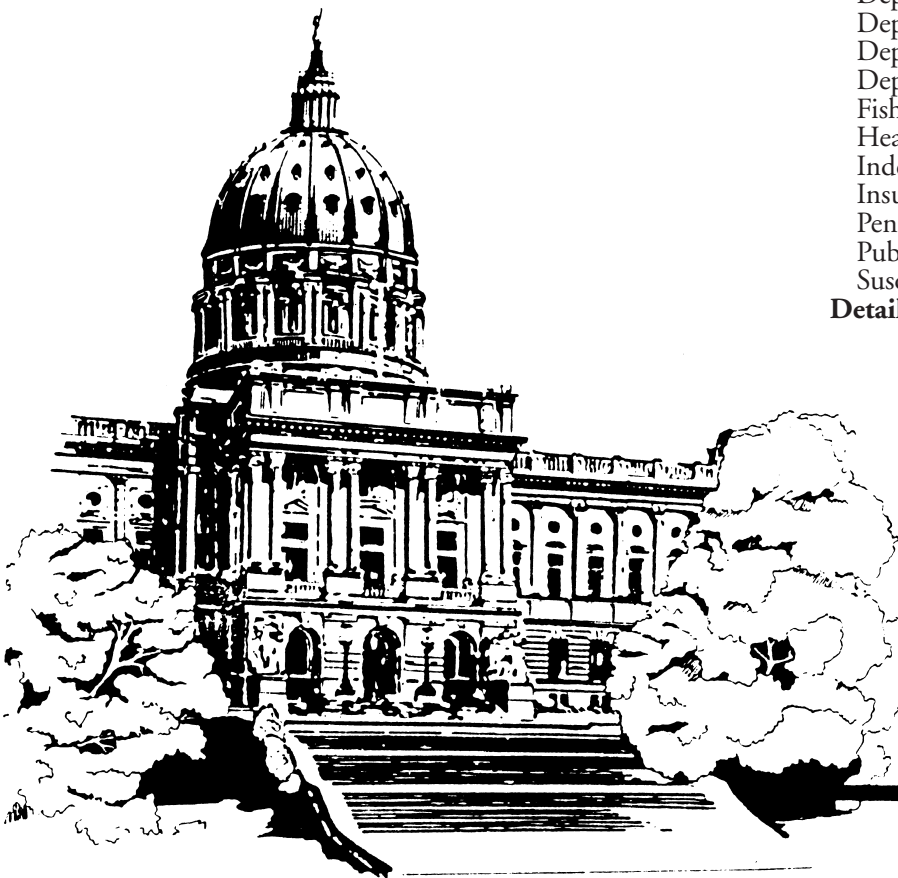
Insurance Department

Pennsylvania Public Utility Commission

Public School Employees' Retirement Board

Susquehanna River Basin Commission

Detailed list of contents appears inside.



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

No. 476, July 2014

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please email changes to info@pabulletin.com or mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$82.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2014 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

LOCAL COURT RULES

Erie County

Addition to the rules of civil procedure; no. 90030-14 4175

Schuylkill County

Amend rule of judicial administration 1901(a), (b) prompt disposition of matters; termination of inactive cases; S-1177-2014..... 4175

RULES OF CIVIL PROCEDURE

Amendments to the Rules of Civil Procedure relating to domestic relations matters; recommendation 128 republication..... 4165

Order adopting Rule 1930.9 of the Rules of Civil Procedure; no. 597 civil procedural rules doc. 4168

RULES OF CRIMINAL PROCEDURE

Order adopting new Rule 771 and approving the revision of the comment to Rule 471 of the Rules of Criminal Procedure; no. 451 criminal procedural rules doc..... 4168

Proposed amendments to Pa.Rs.Crim.P. 905, 906, 907 and 909..... 4170

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications..... 4195

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Execution of oil and gas lease for publicly-owned streambeds (2 documents)..... 4196

Wild Resource Conservation Program hearing 4196

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 4197

Availability of technical guidance 4224

Cleanup Standards Scientific Advisory Board meeting..... 4226

Pennsylvania Alternative Fuel Incentive Grant Program; availability of rebates..... 4227

DEPARTMENT OF GENERAL SERVICES

Notices

Lease warehouse space to the Commonwealth 4227

DEPARTMENT OF HEALTH

Notices

Approved prearrest and evidential breath testing devices..... 4227

Laboratories approved to determine analyses of blood or serum or both for controlled substances under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code 4234

Laboratories approved to determine blood alcohol content under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code..... 4236

Laboratories approved to determine controlled substance content of urine under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code 4244

Laboratories approved to perform blood lead and/or erythrocyte protoporphyrin determinations under The Clinical Laboratory Act 4255

Long-term care nursing facilities; request for exception..... 4258

Vehicle, equipment and supply requirements for ground and air ambulances..... 4259

Vehicle, equipment and supply requirements for quick response services..... 4259

DEPARTMENT OF PUBLIC WELFARE

Notices

Designated exceptional durable medical equipment . 4260

DEPARTMENT OF REVENUE

Notices

Realty transfer tax; 2013 common level ratio; real estate valuation factors 4261

FISH AND BOAT COMMISSION

Rules and Regulations

Fishing 4177

Notices

Triploid grass carp permit application..... 4262

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Meetings scheduled 4262

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by the Commission..... 4263

Notice of filing of final rulemakings..... 4264

INSURANCE DEPARTMENT

Notices

Review procedure hearings under the Unfair Insurance Practices Act 4264

State Farm Mutual Automobile Insurance Company; rate increase filing for LTC form 97058PA..... 4264

PENNSYLVANIA PUBLIC UTILITY COMMISSION Proposed Rulemaking

Implementation of the Alternative Energy Portfolio Standards Act of 2004..... 4179

Notices

Service of notice of motor carrier applications..... 4265

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearing scheduled 4265

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Actions taken at June meeting 4266

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

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of *Code* and *Bulletin*.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)

Adopted Rules

1	3924
6	2505, 2617
113	888
405	485

Statements of Policy

9	32, 783, 1005, 1241, 1451, 2060, 2758, 3237, 3572, 3965
---	---

7 Pa. Code (Agriculture)

Adopted Rules

46	2220
76	2220

Proposed Rules

128	2058
-----	------

10 Pa. Code (Banking and Securities)

Proposed Rules

57	2751
----	------

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

Adopted Rules

149	488
-----	-----

22 Pa. Code (Education)

Adopted Rules

4	1131, 1754
19	3497

25 Pa. Code (Environmental Protection)

Adopted Rules

78	3517
121	2236, 3929
129	3929
130	3929
139	2236
208	3962
250	2975, 3235
806	2640
901	2849, 2850

Proposed Rules

78	648
121	2392
129	2392
250	2980

28 Pa. Code (Health and Safety)

Proposed Rules

709	1317
-----	------

31 Pa. Code (Insurance)

Adopted Rules

25	2851
----	------

34 Pa. Code (Labor and Industry)

Adopted Rules

14	1233
14a	1233

Proposed Rules

111	996
131	996

37 Pa. Code (Law)

Adopted Rules

11	1233
13	1233
79	328
431	1313

40 Pa. Code (Liquor)

Adopted Rules

11	1233, 2056
----	------------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

3	2242
7	2244
15	993
16	583
18	583
25	589
37	888
43b	597
47	2863

Proposed Rules

21	648
43b	2247

52 Pa. Code (Public Utilities)

Adopted Rules

1	249
3	249
5	249
23	249
29	249
32	249
53	249
54	249, 3522
57	249, 3539
59	249
62	249, 3551
1017	3764
1055	3764

Proposed Rules

5	2868
57	1321, 1771
75	4179
1001	2753
1011	2753
1017	252, 1323
1019	1323
1051	2753

Statements of Policy

69	2405
----	------

55 Pa. Code (Public Welfare)

Adopted Rules

1187	3322, 3565
1189	3565

58 Pa. Code (Recreation)

Adopted Rules

51 1762
 61 4177
 63 250, 1762, 4177
 65 1764
 69 1766, 4177
 71 4177
 73 4177
 93 1767
 131 3091
 133 1429
 135 1429, 1883
 139 3091
 141 3091, 3098, 3099, 3100, 3101
 143 1430, 1768
 147 1432, 3098, 3102
 461a 599, 619
 463a 599
 464a 599
 465a 599, 619
 525 619
 575 619
 577 619
 579 619
 581 1234
 590 26
 591 1234
 603a 619
 607a 599
 609a 619
 623a 619
 627a 599, 619
 629a 599, 619
 631a 599, 619
 633a 599, 619
 635a 619
 637a 619
 649a 619
 659a 619
 661a 619
 663a 619
 665a 619

Proposed Rules

61 901
 63 901, 1769
 69 901
 71 901
 73 901
 131 1440
 133 3103
 139 1442
 141 1435, 1436, 1438, 1440
 147 1438, 1448

Statements of Policy

57 1772

61 Pa. Code (Revenue)

Adopted Rules

5 1432

67 Pa. Code (Transportation)

Adopted Rules

427 2384

Proposed Rules

47 2642

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

2 319, 1419
 19 454, 1428, 3053

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

81 2847
 82 768
 83 768, 1749, 2847
 91 3927
 303 4071

Proposed Rules

83 1865, 2199
 303 1967, 1969

207 Pa. Code (Judicial Conduct)

Adopted Rules

33 455

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 8, 3493
 3 3493
 9 3493
 11 3493
 19 2053
 21 2510, 3493

Proposed Rules

1 471
 3 319
 9 319, 471
 11 471, 3054
 13 471
 15 2052
 33 471

225 Pa. Code (Rules of Evidence)

Adopted Rules

Article VIII 1309

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 323, 2747
 1000 8
 1910 3233
 1915 3233
 1930 1749, 4168
 2220 8
 3000 1750

Proposed Rules

200 323, 324, 475
 1900 2199
 1920 4165

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 3056
 4 3056, 4168
 5 239, 477, 1309
 7 4168
 10 3056

Proposed Rules

1 769
 4 475, 577, 769, 2369
 5 778

7475, 2369
 9 4170
 10 769

237 Pa. Code (Juvenile Rules)

Adopted Rules

1781, 1868
 11 781

Proposed Rules

4246, 3306
 11 9
 13 3307
 15 3307
 16 3307

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

30013, 3310
 50013, 14
 800 14
 1000 14

Proposed Rules

30010, 479

249 Pa. Code (Philadelphia Rules)

Unclassified883, 3066, 3067, 3311, 3313, 3747

255 Pa. Code (Local Court Rules)

Unclassified16, 17, 18, 19, 20, 21, 23, 24, 25,
 247, 324, 325, 480, 481, 581, 991, 1123, 1124, 1428, 1752,
 1753, 1868, 1870, 1871, 1872, 1873, 1874, 1875, 1876,
 1877, 1878, 1879, 2054, 2200, 2201, 2216, 2372, 2510,
 2511, 2513, 2515, 2620, 2638, 2639, 2747, 2749, 2750,
 2847, 2848, 3086, 3088, 3089, 3319, 3321, 3495, 3759,
 3927, 4175

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 128 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, October 3, 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 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

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

Rule 1920.17. Discontinuance. Withdrawal of Complaint.

(a) The plaintiff may withdraw the divorce complaint and discontinue the divorce action by praecipe that includes a certification that:

(1) no ancillary claims have been asserted by either party; and

(2) grounds for divorce have not been established.

(b) A party may withdraw a claim of equitable distribution only:

(1) by written consent of both parties filed with the court, or

(2) after filing and serving on the other party a written notice that the party intends to withdraw the claim of equitable distribution 20 days after service of the notice.

(c) The notice required in subdivision (b) above shall be substantially in the following form:

(Caption)

NOTICE OF INTENTION TO WITHDRAW CLAIM FOR EQUITABLE DISTRIBUTION

TO: _____

(PLAINTIFF) (DEFENDANT)

(Plaintiff) (Defendant) intends to withdraw (his) (her) pending claim for equitable distribution of property twenty days after the service of this notice. Unless you have already filed with the court a written claim for equitable distribution, you should do so within twenty days of the service of this notice, or you may lose the right to assert a claim for equitable distribution. If a decree in divorce is entered and you have not filed a claim for equitable distribution, you will forever lose the right to equitable distribution of property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone)

(d) In the event one party dies during the course of the divorce proceeding, no decree of divorce has been entered and grounds for divorce have been established, neither the complaint nor economic claims can be withdrawn except by the consent of the surviving spouse and the personal representative of the decedent. If there is no agreement, the economic claims shall be determined pursuant to the Divorce Code. If no personal representative has been appointed within one year of the decedent's death, then, upon motion of the surviving party, the court may allow the withdrawal or dismissal of the complaint and/or any pending economic claims.

Official Note: To the extent that *Tosi v. Kizis*, 85 A.3d 585 (Pa. Super. 2014) holds that 23 Pa.C.S. § 3323(d.1) does not prevent the plaintiff in a divorce action from discontinuing the divorce action following the death of the defendant after grounds for divorce have been established, it is superseded.

Rule 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.

(a)(1) [Within thirty days after the service of the pleading or petition containing] When either

party has raised a claim for alimony or counsel fees, costs and expenses, each party shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required at Rule 1910.27(c)(1) and a completed Expense Statement in the form required by Rule 1910.27(c)(2)(B). **A party may not file a motion for the appointment of a master or a request for court action regarding alimony or counsel fees, cost and expenses until at least 30 days following the filing of that party's tax returns, Income Statement and Expense Statement. The other party shall file the tax returns, Income Statement and Expense Statement within 20 days of service of the moving party's documents.** If a claim for child support, spousal support or alimony pendente lite is raised in a divorce complaint, no expense form is needed in a support action that can be decided pursuant to the support guidelines unless a party claims unusual needs or unusual fixed expenses or seeks deviation pursuant to Rule 1910.16-5 or apportionment of expenses pursuant to Rule 1910.16-6.

* * * * *

Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) [**Within ninety days after service of a pleading or petition containing a claim for determination and distribution of property under Section 3502 of the Divorce Code, each**] Each party shall file an inventory specifically describing all property owned or possessed at the [**time the action was commenced**] date of separation. **A party may not file a motion for the appointment of a master or a request for court action regarding equitable distribution until at least 30 days following the filing of that party's inventory. The other party shall file the inventory within 20 days of service of the moving party's inventory.** The inventory shall set forth as of the date of [**the filing of the complaint**] separation:

(1) a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person **and all marital liabilities; [and]**

(2) a specific description of all property [**in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property and the basis for such exclusion.**] or liabilities that are claimed to be non-marital and the basis for such claim; and

(3) **the estimated value of each item of marital and non-marital property and the amount of each marital and non-marital liability.**

Official Note: Subdivision (c) of this rule provides sanctions for failure to file an inventory as required by this subdivision. An inventory [**filed within the ninety day period**] may be incomplete where the party filing it does not know of all of the property involved in the claim for equitable distribution. Consequently, the rule does not contemplate that a party be precluded from presenting testimony or offering evidence as to property omitted from the inventory. The omission may be supplied by the pre-trial statement required by subdivision (b).

* * * * *

Rule 1920.42. Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. Counteraffidavit.

(a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a § 3301(d) affidavit under § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72(d) [**the averments of which**] **and has served it upon the other party along with a form counter-affidavit** and the other party has admitted or failed to deny **the averments of the § 3301(d) affidavit,**

the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter an appropriate decree. No master shall be appointed.

* * * * *

(d)(1) Except as provided in (e), no decree shall be entered by the court under § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, **along with a form counter-affidavit if none has been filed,** at least twenty days prior to the date of the filing of the praecipe to transmit the record. [**The**] **A copy of the praecipe, which shall state the date and manner of service of the notice, [a copy of which] shall be attached.**

(2) [**If the party against whom the decree is to be entered has no attorney of record, the notice required by subdivision (d)(1) shall be accompanied by a form counter-affidavit substantially in the form prescribed by Rule 1920.72(e).**] **The affidavit required under § 3301(d) of the Divorce Code shall be filed with the prothonotary and served upon the other party, along with another form counter-affidavit. The moving party must wait a minimum of 20 days after service of the § 3301(d) affidavit before serving the Notice of Intention to File Praecipe to Transmit the Record and counter-affidavit or filing the waiver of notice pursuant to Rule 1920.72(c).**

* * * * *

Rule 1920.54. Hearing by Master. Report. Related Claims.

(a) If claims for child support, alimony pendente lite, or counsel fees and expenses have been referred to a master pursuant to Rule 1920.51(a), the master's report shall contain separate sections captioned "Child Support," "Alimony Pendente Lite," or "Counsel Fees and Expenses" as appropriate. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order stating

- (1) the amount of support or alimony pendente lite;
- (2) by and for whom it shall be paid; and
- (3) the effective date of the order.

[The Income and Expense Statements shall be attached to the report.]

(b) If a claim for alimony has been referred to a master, the report shall contain a separate section captioned "Alimony." The report shall conform to the requirements of subdivision (a) and, in addition, shall set forth

* * * * *

Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

(a) After conclusion of the hearing, the master shall:

(1) file the record and the report within

(i) twenty days in uncontested actions or;

(ii) thirty days **[after] from the last to occur of the receipt of the transcript by the master or close of the record** in contested actions; and

* * * * *

Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d).

* * * * *

(e)(1) The **[counteraffidavit] counter-affidavit** prescribed by Rule 1920.42(c)(2) shall be substantially in the following form in a § 3301(c) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this **[counteraffidavit] counter-affidavit** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____ (PLAINTIFF) (DEFENDANT)

NOTICE: If you do not wish to claim economic relief, you should not file this **[counteraffidavit] counter-affidavit**.

(2) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because (Check (i), (ii), (iii) or **[both] all**):

(i) The parties to this action have not lived separate and apart for a period of at least two years.

(ii) The marriage is not irretrievably broken.

(iii) **There are economic claims pending.**

(2) Check **[either (a) or (b)] (a), (b) or (c)**:

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

[I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.]

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) **Economic claims have been raised and are not resolved.**

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

* * * * *

Rule 1920.75. Form of Inventory.

The inventory required by Rule 1920.33(a) shall be substantially in the following form:

(Caption)

INVENTORY OF

(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the **[time this action was commenced] date of separation** and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

(Plaintiff) (Defendant)

ASSETS OF THE PARTIES

(Plaintiff) (Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

* * * * *

() 24. [**Debts due, including loans, mortgages held**] **Accounts receivable, including loans and mortgages payable to a party**

() 25. Household furnishings and personalty (include

as a total category and attach itemized list if distribution of such assets is in dispute)

() 26. Other

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date [**this action was commenced**] of separation:

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Owners</i>	<i>Estimated Value at Date of Separation</i>
--------------------	--------------------------------	----------------------------	--

[**NON MARITAL**] NON-MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<i>Item Number</i>	<i>Description of Property</i>	<i>Reason for Exclusion</i>	<i>Estimated Value at Date of Marriage</i>	<i>Estimated Value at Date of Separation</i>
--------------------	--------------------------------	-----------------------------	--	--

PROPERTY TRANSFERRED

<i>Item Number</i>	<i>Description of Property</i>	<i>Date of Transfer</i>	<i>Consideration</i>	<i>Person to Whom Transferred</i>	<i>Estimated Value at Date of Separation</i>
--------------------	--------------------------------	-------------------------	----------------------	-----------------------------------	--

LIABILITIES

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>	<i>Estimated Amount at Date of Separation</i>
--------------------	--------------------------------	-------------------------------	-----------------------------	---

[Pa.B. Doc. No. 14-1382. Filed for public inspection July 3, 2014, 9:00 a.m.]

PART I. GENERAL

[**231 PA. CODE CH. 1930**]

Order Adopting Rule 1930.9 of the Rules of Civil Procedure; No. 597 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 16th day of June, 2014, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1930.9 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days on July 16, 2014.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.9. Family Court Forms.

Forms adopted by the Supreme Court of Pennsylvania and included in the Pennsylvania Rules of Civil Procedure relating to the practice and procedure of domestic relations matters shall be accepted for filing in all jurisdictions. Some of these forms may be maintained for public access at a website designated by the Supreme Court of Pennsylvania.

Official Note: Pa.R.C.P. No. 205.2 provides: “No pleading or other legal paper that complies with the Pennsyl-

vania Rules of Civil Procedure shall be refused for filing by the prothonotary based on a requirement of a local rule of civil procedure or judicial administration. . . .”

[Pa.B. Doc. No. 14-1383. Filed for public inspection July 3, 2014, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[**234 PA. CODE CHS. 4 AND 7**]

Order Adopting New Rule 771 and Approving the Revision of the Comment to Rule 471 of the Rules of Criminal Procedure; No. 451 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 16th day of June, 2014, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 44 Pa.B. 475 (January 25, 2014), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 68), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Pennsylvania Rule of Criminal Procedure 771 is adopted and the revision to the Comment to Pennsylvania Rule of Criminal Procedure 471 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 16, 2014.

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 4. PROCEDURES IN SUMMARY CASES**

**PART G. Special Procedures in Summary Cases
Under the Vehicle Code**

Rule 471. Disposition Report.

* * * * *

Comment

* * * * *

[Electronic transmissions are to be made from the District Justice Central Site Computer or other computer facility utilized by issuing authorities.]

Official Note: Rule 92 adopted June 3, 1993, effective July 1, 1993; renumbered Rule 471 and amended March 1, 2000, effective April 1, 2001; **Comment revised June 16, 2014, effective July 16, 2014.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the June 16, 2014 Comment revision published with the Court's Order at 44 Pa.B. 4169 (July 5, 2014).

**CHAPTER 7. POST-TRIAL PROCEDURES IN
COURT CASES**

PART B. Post-Sentence Procedures

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

Rule 771. Disposition Report to the Department of Transportation.

(A) The clerk of courts shall report to the Pennsylvania Department of Transportation all dispositions of charges required by 75 Pa.C.S. § 6323 (relating to reports by courts). The report shall be sent by electronic transmission in the form prescribed by the Department.

(B) The clerk of courts shall sign the report on the form prescribed by the Department by means of an electronic signature as authorized by Rule 103.

(C) The clerk of courts shall print out and sign a copy of the report, which shall include the date and time of the transmission, and a certification as to the adjudication, the sentence, if any, and the final disposition. The copy shall be made part of the record.

(D) Upon the request of the defendant, the attorney for the Commonwealth, or any other government agency, the clerk of courts shall provide a certified copy of the report required by this rule.

Comment

This rule was adopted in 2014 to provide for the electronic transmission of the case information required under 75 Pa.C.S. § 6323 to the Pennsylvania Department of Transportation. The rule provides for procedures at the court of common pleas similar to those already provided under Rule 471 for the reports required to be submitted under 75 Pa.C.S. § 6322 by issuing authorities.

A clerk of courts may comply with the requirements of paragraph (C) by retaining an electronic copy of the printed and signed document together with the appropriate annotations to the docket entries that the document had been transmitted to the Pennsylvania Department of Transportation.

This rule does not address the admissibility of evidence. See the Pennsylvania Rules of Evidence and 42 Pa.C.S. § 6101 *et seq.* concerning the Rules of Evidence for documents.

Official Note: New Rule 771 adopted June 16, 2014, effective July 16, 2014.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 44 Pa.B. 4169 (July 5, 2014).

FINAL REPORT¹

***New Rule 771; Revision to the Comment to
Pa.Rs.Crim.P. 471***

**Electronic Transmission of Court Case Reports
to PennDOT**

On June 16, 2014, effective July 16, 2014, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule 771 (Disposition Report to the Department of Transportation) to require, pursuant to 75 Pa.C.S. § 6323, that the specified court case dispositions be reported to the Pennsylvania Department of Transportation (PennDOT) electronically. The Court also approved the revision of the Comment to Rule 471 (Disposition Report) to remove an archaic provision.

New Rule 771 was developed as a result of a request from the Court Administrator of Pennsylvania to consider a rule mandating that the information regarding certain types of cases that courts are statutorily required to report to PennDOT be done electronically. Currently, 75 Pa.C.S. § 6323 requires that the clerks of courts report to PennDOT the disposition of any case arising under the Motor Vehicle Code (Title 75) or under Section 13 of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113.²

This is similar to 75 Pa.C.S. § 6322 that requires issuing authorities to provide reports of the disposition of summary motor vehicle cases to PennDOT. Rule 471 was adopted in 1993 to require that the transmission of these reports be done electronically. The impetus for Rule 471 was the implementation of the Court's Magisterial District Judge System (MDJS) that gave issuing authorities the capability of transmitting these reports electronically. No procedural problems have arisen by the electronic transmission provisions of Rule 471 since its adoption in 1993.

New Rule 771 extends this type of transmission to the clerks of courts now that the Court's Common Pleas Case Management System (CPCMS) provides the statewide capabilities for electronic transmission from the common pleas courts. The new rule simply extends to the common pleas courts the procedures in place for the MDJ courts.

The new rule has been numbered "771" to place it after the post-sentence procedures rules and before the expungement rules since the reports to PennDOT are filed as essentially the last event in a case at the common pleas level. The particular number also links it to Rule 471. The text of the new rule mirrors Rule 471 and requires the transmittal of the disposition information to be done electronically.

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

² Section 6323 references a provision in the Controlled Substances Act requiring the suspension of a defendant's driver's license for conviction of a drug offense. This provision, 35 P.S. § 780-113(m) was repealed in 1993 and the suspension provisions are now found in 75 Pa.C.S. § 1532(c).

Rule 771 includes a provision that a hard copy of the report, signed by the clerk of courts, be added to the case file that is comparable to the requirement in Rule 471 with one modification. While the desire is ultimately to move towards paperless case files, the view of the Committee has been to maintain a traditional paper case file, particularly at the common pleas level. However, one of the publication responses, from a clerk of courts, requested modifying this provision to permit the retention of an electronic copy of the signed form to satisfy this requirement. The Committee concluded that this is a reasonable accommodation and the Comment to Rule 771 reflects this allowance.

Finally, a revision has been made to the Comment provision in Rule 471 regarding the locations from which the required transmission could be made. Specifically, the fourth paragraph in Rule 471 Comment makes a reference to the "District Justice Central Site Computer," which is an outdated term since all MDJ offices are equipped for transmitting the required information.

[Pa.B. Doc. No. 14-1384. Filed for public inspection July 3, 2014, 9:00 a.m.]

[234 PA. CODE CH. 9]

Proposed Amendments to Pa.Rs.Crim.P. 905, 906, 907 and 909

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania amend Rules 905 (Amendment and Withdrawal of Petition for Post-Conviction Collateral Relief), 906 (Answer to Petition for Post-Conviction Collateral Relief), 907 (Disposition Without Hearing), and 909 (Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition) to formalize the procedures for pre-dismissal amendment of petitions in PCRA cases. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

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

no later than Friday, September 12, 2014.

By the Criminal Procedural Rules Committee

THOMAS P. ROGERS,
Chair

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 9. POST-CONVICTION COLLATERAL
PROCEEDINGS**

**Rule 905. Amendment and Withdrawal of Petition
for Post-Conviction Collateral Relief.**

(A) The judge, at any time:

(1) shall grant leave for one amended petition for post-conviction collateral relief as of right; and

(2) for any second or subsequent amended petition, may grant leave to amend a petition for post-conviction collateral relief upon a determination of cause shown; or

(3) may grant leave to withdraw a petition for post-conviction collateral relief [at any time]. [Amendment shall be freely allowed to achieve substantial justice.]

(B) When a petition for post-conviction collateral relief is defective as originally filed, the judge shall order amendment of the petition, indicate the nature of the defects, and specify the time within which an amended petition shall be filed. If the order directing amendment is not complied with, the petition may be dismissed without a hearing.

(C) Upon the entry of an order directing an amendment, the clerk of courts shall serve a copy of the order on the defendant, the defendant's attorney, and the attorney for the Commonwealth.

(D) All amended petitions shall be in writing, shall comply substantially with Rule 902, and shall be filed and served within the time specified by the judge in ordering the amendment.

Comment

The purpose of the amendment procedure under this rule is to provide the defendant with the opportunity to correct any material defect in the petition in order to provide the fullest review of the case. The rule recognizes that often the initial petition is filed *pro se* or the case may involve complex issues needing further development. Therefore each petition may be amended once as of right as a further means of ensuring that the collateral review is as full as possible. However, the amendment process should not be used as a vehicle for raising new matter that should have been included in the original petition. Second or subsequent amendments will not be permitted absent a showing of cause as to why the matter was not raised initially or in the first amendment. Paragraph (A) originally contained the sentence, "Amendment shall be allowed to achieve substantial justice." This sentence was removed because it had come to be interpreted that amendments of the petition should be automatically granted.

"Defective," as used in paragraph (B), is intended to include petitions that are inadequate, insufficient, or irregular for any reason; for example, petitions that lack particularity; petitions that do not comply substantially with Rule 902; petitions that appear to be patently frivolous; petitions that do not allege facts that would support relief; petitions that raise issues the defendant did not preserve properly or were finally determined at prior proceedings.

When an amended petition is filed pursuant to paragraph (D), it is intended that the clerk of courts transmit a copy of the amended petition to the attorney for the Commonwealth. This transmittal does not require a response unless one is ordered by the judge as provided in these rules. See Rules 903 and 906.

Official Note: Previous Rule 1505 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by Rules 1506(b), 1508(a), and present Rule 1505(c). Present Rule 1505 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 905 and amended March 1, 2000, effective April 1, 2001; Comment revised September 21, 2012, effective November 1, 2012; amended , 2014, effective , 2014.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendment clarifying the purpose of the amendment procedures published for comment at 44 Pa.B. 4173 (July 5, 2014).

Rule 906. Answer to Petition for Post-Conviction Collateral Relief.

* * * * *

(D) **Amendment and Withdrawal of the Answer**
The judge, at any time:

- (1) if the petition has been amended, shall grant the Commonwealth leave to amend the answer; or
- (2) if the petition has not been amended, may grant leave, upon a determination of cause shown, to amend an answer; or
- (3) may grant leave to withdraw an answer [at any time].

[Amendment shall be freely allowed to achieve substantial justice.] Amended answers shall be in writing and shall be filed and served within the time specified by the judge in granting leave to amend.

(E) Answers in Death Penalty Cases

* * * * *

(3) Amendments to Answer

The judge, at any time:

- (a) if the petition has been amended, shall grant the Commonwealth leave to amend the answer; or
- (b) if the petition has not been amended, may grant the Commonwealth leave, upon a determination of cause shown, to amend the answer [at any time, and amendment shall be freely allowed to achieve substantial justice].

Amended answers shall be in writing, and shall be filed and served within the time specified by the judge in granting leave to amend.

Comment

As used in the Chapter 9 rules, “answer” is intended to include an amended answer filed pursuant to paragraphs (D) and (E)(3) of this rule, except where the context indicates otherwise.

The purpose of the amendment procedure under this rule is to provide the Commonwealth with the opportunity to correct any material defect in the answer to the petition in order to provide the fullest review of the case. If the Commonwealth seeks to amend the answer due to an amendment to the petition, the judge shall grant the petition. If the Commonwealth seeks to amend the petition independent of any change to the petition, the Commonwealth must show good cause in doing so.

Paragraphs (D) and (E)(3) originally contained the statement that amendment “shall be feely allowed to achieve substantial justice.” This sentence was removed because it had come to be interpreted that amendments of the answer should be automatically granted.

Except as provided in paragraph (E), when determining whether to order that the attorney for the Commonwealth file an answer, the judge should consider whether an answer will promote the fair and prompt disposition of the issues raised by the defendant in the petition for post-conviction collateral relief.

Paragraph (E)(1) was added in 1997 to require that the Commonwealth file an answer to the first counseled petition in a death penalty case. For second and subsequent petitions, paragraph (E)(2) would apply.

“First counseled petition,” as used in paragraph (E)(1), includes petitions on which defendants have elected to proceed *pro se* pursuant to Rule 904(F)(1)(a). See also the Comment to Rule 903.

Official Note: Previous Rule 1506 adopted January 24, 1968, effective August 1, 1968; Comment revised April 26, 1979, effective July 1, 1979; rule rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; Comment revised January 28, 1983, effective July 1, 1983; rule rescinded February 1, 1989, effective July 1, 1989, and replaced by Rule [908] 1508. Present Rule 1506 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; Comment revised January 21, 2000, effective July 1, 2000; renumbered Rule 906 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended , 2014, effective , 2014.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendment clarifying the purpose of the amendment procedures published for comment at 44 Pa.B. 4173 (July 5, 2014).

Rule 907. Disposition Without Hearing.

* * * * *

Comment

The judge is permitted, pursuant to paragraph (1), to summarily dismiss a petition for post-conviction collateral relief in certain limited cases. To determine whether a summary dismissal is appropriate, the judge should thoroughly review the petition, the answer, if any, and all other relevant information that is included in the record. If, after this review, the judge determines that the petition is patently frivolous and without support in the record, or that the facts alleged would not, even if proven, entitle the defendant to relief, or that there are no genuine issues of fact, the judge may dismiss the petition as provided herein.

When the judge has determined that dismissal without an evidentiary hearing is the appropriate course but discerns the potential for amendment of the petition, the judge has the obligation of providing the defendant with the opportunity to amend the petition. To that end, the judge must provide sufficiently specific reasons for the disposition such that the potential for amendment may be reasonably evaluated by counsel. See *Commonwealth v. Williams*, 566 Pa. 553, 569, 782 A.2d 517, 527 (2001); *Commonwealth v. Rush*, 576 Pa. 3, 14-15, 838 A.2d 651, 657-658 (2003).

A summary dismissal would also be authorized under this rule if the judge determines that a previous petition involving the same issue or issues was filed and was finally determined adversely to the defendant. See 42 Pa.C.S. § 9545(b) for the timing requirements for filing second and subsequent petitions.

* * * * *

Official Note: Previous Rule 1507 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; amended January 28, 1983, effective July 1, 1983; rescinded February 1, 1989, effective July 1, 1989, and not replaced. Present Rule 1507 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 907 and amended March 1, 2000, effective April 1, 2001; Comment revised September 18, 2008, effective February 1, 2009; amended July 27, 2012, effective September 1, 2012; **Comment revised , 2014, effective , 2014.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed revision of the Comment concerning allowance for amendment of the petition published for comment at 44 Pa.B. 4173 (July 5, 2014).

Rule 909. Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition.

* * * * *

(B) Hearing; Disposition

(1) No more than 20 days after the Commonwealth files an answer pursuant to Rule 906(E)(1) or (E)(2), or if no answer is filed as permitted in Rule 906(E)(2), within 20 days after the expiration of the time for answering, the judge shall review the petition, the Commonwealth’s answer, if any, and other matters of record relating to the defendant’s claim(s), and shall determine whether an evidentiary hearing is required, **as provided in paragraphs (B)(2) and (B)(3).**

(2) For all first petitions for collateral review in a death penalty case,

(a) the judge shall order an evidentiary hearing.

(b) The judge shall order the attorney for the Commonwealth and the defense attorney, or, if unrepresented, the defendant to appear before the judge within 90 days after the ordering of the evidentiary hearing for a conference before the judge in open court, unless agreed by the defendant to be in chambers, to consider:

(i) setting a date certain for the hearing, which shall not be held later than 180 days from the date of the conference;

(ii) deadlines for amendment of pleadings;

(iii) the simplification or stipulation of factual issues, including the admissibility of evidence; and

(iv) such other matters as may aid in the disposition of the petition.

[(2) If] (3) For second and subsequent petitions, if the judge is satisfied from this review that there are no genuine issues concerning any material fact, the defendant is not entitled to post-conviction collateral relief, and no legitimate purpose would be served by any further proceedings,

* * * * *

[(3)] (d) If the judge determines that an evidentiary hearing is required, the judge shall enter an order setting a date certain for the hearing, which shall not be scheduled for fewer than 10 days or more than 45 days from the date of the order. The judge may, for good cause shown, grant leave to continue the hearing.

(4) No more than **[90] 180** days after the conclusion of the evidentiary hearing, the judge shall dispose of the petition.

[(4) When the 90-day time periods in paragraphs (B)(2)(c) and (B)(3) must be delayed, the judge, for good cause shown, may enter an order extending the period for not longer than 30 days.]

(5) If the judge does not act within the **[90 days]** time periods mandated by paragraphs **[(B)(2)(c) and (B)(3), or within the 30 day-extension permitted by paragraph] (B)(3)(c) or (B)(4)**, the clerk of courts shall send a notice to the judge that the time period for disposing of the petition has expired. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

* * * * *

Comment

Paragraph (A)(1) was added in 1999 to provide the avenue by which a defendant in a death penalty case may request a stay of execution. Failure to include a request for a stay in the petition for post-conviction collateral relief may not be construed as a waiver, and the defendant may file a separate request for the stay. In cases involving second or subsequent petitions when an application for a stay is filed separately from the PCRA petition, *Commonwealth v. Morris*, 565 Pa. 1, 33-34, 771 A.2d 721, 740-741 (2001) provides that the separate stay application “must set forth: a statement of jurisdiction; if necessary, a statement that a petition is currently pending before the court; and a statement showing **[a]** the likelihood of prevailing on the merits.”

Paragraph (A)(2) provides, if a stay of execution is properly granted, that the stay will remain in effect throughout the PCRA proceedings in the trial court and during the appeal to the Pennsylvania Supreme Court. Nothing in this rule is intended to preclude a party from seeking review of an order granting or denying a stay of execution. See Pa.R.A.P. 1702(d) (Stay of Execution) and Pa.R.A.P. 3316 (Review of Stay of Execution Orders in Capital Cases).

The rule was amended in 2014 to require that an evidentiary hearing be held in all first counseled petitions in capital cases. The reason for the re-

quirement is to ensure that a complete and comprehensive collateral review of the case be accomplished by the first petition.

The conference required under paragraph (B)(2)(b) is designed to establish the judge's supervision over the preparation for the evidentiary hearing, including any amendment to the pleadings, while allowing flexibility for setting the parameters of this process.

When the judge has determined that dismissal without an evidentiary hearing is the appropriate course but discerns the potential for amendment of the petition, the judge has the obligation of providing the defendant with the opportunity to amend the petition. To that end, the judge must provide sufficiently specific reasons for the disposition such that the potential for amendment may be reasonably evaluated by counsel. *See Commonwealth v. Williams*, 556 Pa. 553, 569, 782 A.2d 517, 527 (2001); *Commonwealth v. Rush*, 576 Pa. 3, 14-15, 838 A.2d 651, 657-65 (2003).

Paragraph [(B)(3)] (B)(3)(d) permits the judge to continue the hearing when there is good cause, such as when the judge determines that briefing and argument are necessary on any of the issues, or when there is a problem with securing the defendant's appearance.

It is intended that in the evidentiary hearing held pursuant to paragraph (B)(2) and, once a determination is made under paragraph [(B)(3)] (B)(3)(d) of this rule that an evidentiary hearing is required, the provisions of Rule 908(C), (D), and (E) apply.

[Paragraph (B)(4) was added in 2002 to permit the judge to enter an order for one 30-day extension of the 90-day time limit within which the judge must act pursuant to paragraphs (B)(2)(c) and (B)(3) of this rule. When the judge extends the time, the judge promptly must notify the clerk of courts of the extension order.]

The time limit in paragraph (B)(4) within which a judge must dispose of the petition following the evidentiary hearing was extended in 2014 from 90 days to 180 days in recognition of the often complex issues raised in petitions in capital cases. With the extended time, the former provision for a 30-day extension was deleted as no longer necessary.

Paragraph (B)(5) addresses the situation in which the judge does not comply with the rule's time limits. The clerk of courts is required to give the judge notice that the 90-day time period [, or the 30-day extension,] has expired. Further non-compliance requires the clerk to bring the case to the attention of the Supreme Court, which is responsible for the administration of the unified judicial system.

* * * * *

Official Note: Previous Rule 1509 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 1510 August 11, 1997, effective immediately. Present Rule 1509 adopted August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; renumbered Rule 909 and amended March 1, 2000, effective April 1, 2001; amended February 12, 2002, effective July 1, 2002; amended October 7, 2005, effective February 1, 2006; amended July 27, 2012, effective September 1, 2012; amended , 2014, effective , 2014.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments to require an evidentiary hearing and scheduling conference in first PCRA petitions published for comment at 44 Pa.B. 4173 (July 5, 2014).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 905, 906, 907, and 909

Pre-Dismissal Procedures for Post-Conviction Review Act Petitions

At the direction of the Court, the Committee undertook an examination of the issues related to pre-dismissal notice in matters arising under the Post-Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541—9546. It had been suggested that problems have arisen due to the practice of frequent and repeated amendments to the petition.

The Committee established a subcommittee to examine in depth what procedural rule changes might be recommended to address these issues. The subcommittee examined the varied practice across Pennsylvania related to the amendment of PCRA petitions as well as suggestions to improve the process. These suggestions included methods of formalizing the pre-decisional amendment process, such as time limitations or limitations on the number of issues that may be raised, as well as more uniform definition of the PCRA court's duty in providing notice of an intention to dismiss and in addressing the issues raised in the petition.

As described more fully below, the subcommittee recommended several proposed rule changes which the Committee subsequently modified. These modified proposals are being published for comment.

Proposed Rule Changes

The Committee, concurring with the recommendations of the subcommittee, concluded that there was a genuine problem, particularly in Philadelphia, with the practice of frequent and repeated amendment of PCRA petitions. There was considerable discussion of the best way to structure the process for amending petitions to make it more efficient. The Committee discussed setting a time limit after which amendment would be permitted only upon cause. However, the Committee concluded that no practical time limitation could be set given the wide divergence of practice across the state, including the often lengthy process for providing counsel in some jurisdictions. Ultimately, it was concluded that the best manner to address the excessive amendment problem was by having the PCRA court exercise more control over that process.

The subcommittee favored a change designed to impress on judges that amendment should not be automatic but rather the request to amend should be reviewed and permitted only if there was a good reason for not including the claim in the initial petition. This also would help to break the current practice by some counsel who do not review their initial filings, knowing that they will always be able to amend it. The subcommittee suggested that the phrase "upon cause shown" be added to Rule 905(A) to modify the allowance of amendments. The subcommittee also felt that part of the problem of the practice of automatically permitted amendments lay with the sentence in Rule 905(A), "Amendment shall be allowed to achieve substantial justice," and so recommended that that language be deleted. Additionally, it was recom-

mended that language be added to the Comment to describe the reason for the change and to indicate that requests to amend the petition must show a reason why the information was not included in the original petition.

In reviewing the subcommittee's recommendations, the Committee supported placing limitations on excessive amendments. However, the Committee as a whole was reluctant to place an absolute requirement that good cause must be shown for any amendment to be made. It was noted that often the initial petition will be filed *pro se* or that some review is necessary before a full listing of the issues can be made. The Committee therefore agreed that a procedure should be added to Rule 905 to provide the defendant, either *pro se* or counseled, one "free" amendment of the petition as of right with any subsequent amendment permitted only upon a determination of cause shown. In the draft above, Rule 905(A) would contain this procedure. The Comment would also be changed to reflect this new procedure.

Since the language in Rule 906 regarding amendment of the answer to the petition paralleled that in Rule 905, the Committee considered whether similar amendments regarding the requirement to show cause should be added for any amendment to the answer. However, there was discussion whether it was necessary to amend Rule 906 since an answer serves a different role in the collateral review process. Additionally, the Committee concluded that, in most cases, the only time when an answer would be amended would be when the petition had been amended. In the draft above, therefore, language has been added to paragraphs (D) and (E)(3) of Rule 906 that would provide for an automatic allowance of amendment when the petition had been amended but a need for showing cause if the answer was sought to be amended independently.

The subcommittee recommended that Rule 907(1) be amended by adding a phrase "for cause shown" as a requirement for amendment and that the phrase in Rule 907(1), "shall state in the notice the reasons for the dismissal" should be changed to "shall identify any procedural defects that can be cured to avoid dismissal" to indicate the amendment process is meant to be a means of correcting errors rather than for introducing new issues that should have been raised initially. However, the Committee concluded that the standard for amendment should be broader than merely correcting procedural defects and those changes have not been included.

The Committee considered the suggestion that there should be restrictions placed on the number of issues that may be raised in the petitions. However, the Committee believed that any such limitation would be arbitrary and likely to be challenged. For these reasons, this suggestion was not included in the final proposal.

The Committee agreed that the PCRA court should be obliged to address every claim and sub-claim in its notice of intent to dismiss cases. The Committee concluded that the PCRA court is in the best position to transmit to the appellate courts what happened in the case and ultimately would provide for a more efficient review. Further, failure of the PCRA court to address some of the claims would only lead to increased litigation.

However, the Committee agreed that some guidance about how extensively each issue should be addressed would be helpful. The Committee believed that language from case law could be used to further define how the issues should be discussed. In particular, they examined *Commonwealth v. Williams*, 566 Pa. 553, 782 A.2d 517

(2001). This capital case describes the standard that the PCRA court should meet regarding pre-dismissal notice:

Pursuant to Rule of Criminal Procedure 1509(C)(1), a PCRA court is obliged to provide a capital defendant with pre-dismissal notice of its reasons for dismissal, *see* Pa.R.Crim.P. 1509(C)(1), and the opportunity is thus provided for a defendant to seek leave to amend to cure any material defect in the petition, *see* Pa.R.Crim.P. 1509(C)(3)(b). *See generally* Pa.R.Crim.P. 1505(b) (prescribing that, when a petition is defective as originally filed, a PCRA court "shall order amendment of the petition, indicate the nature of the defects, and specify the time within which an amended petition shall be filed"); Pa.R.Crim.P. 1505(a) (providing that amendment of post-conviction petitions may be granted by a PCRA court "at any time," and "shall be freely allowed to achieve substantial justice"). Particularly in light of the legislative scheme channeling all forms of claims through the PCRA and limiting the opportunity for seeking post-conviction review to the one-year period after the judgment of sentence becomes final, *see* 42 Pa.C.S. § 9545, both PCRA courts and counsel must pay careful attention to their respective obligations under the rules. Where PCRA courts discern the potential for amendment, it is their obligation under Rule 1505(b) to specifically allow the opportunity; where dismissal is deemed the appropriate course, the court must obviously provide sufficiently specific reasons for the disposition such that the potential for amendment may be reasonably evaluated by counsel. Upon receipt of either form of notice, counsel must undertake a careful review of the pleadings and other materials submitted to ensure that a sufficient offer has been made to warrant merits review. These procedures are afforded not only to protect the integrity of the process and the rights of a capital petitioner in the common pleas setting, but also to provide the essential predicate for appellate review of the post-conviction proceedings by this Court. 566 Pa. at 568-569, 782 A.2d at 526-527.

Language taken from the foregoing would be added to the Comments to Rules 907 and 909 to guide the PCRA courts to describe the reasons for their dismissal. A cross-reference to the *Williams* case and to the similar holding in *Commonwealth v. Rush*, 576 Pa. 3, 838 A.2d 651 (2003) would be added to the Comment as well.

The Committee also considered a proposed word limitation to the size of the petition to be added to Rule 902. This would have been based on Appellate Rule 2135 that limits the size of appellate briefs to 14,000 words. However, the Committee ultimately rejected this as unnecessary.

Amendment of Capital Case PCRA Petitions

The Committee concluded that issues associated with capital cases are the most complex and undergo the most extensive review. The Committee determined that the case in which an initial PCRA petition should be dismissed without a hearing would be rare. Therefore, the most effective way to address problems arising from the dismissal of PCRA petitions in a capital case without a hearing was to require that a hearing be held for the initial PCRA petition in every capital case. Second and subsequent petitions could still be dismissed without a hearing.

This led the Committee to consider the best method of ensuring that the initial PCRA review would be the most

effective and adequately address the issues presented while providing an appropriate structure to the amendment process that would be fair to all the parties. This would be accomplished by requiring the parties to participate in a "scheduling conference" to review the issues that have been raised by the petition and determine how much time and resources would be needed to develop these issues thus ensuring court oversight at an early stage in the process.

Therefore, a new paragraph (B)(2) has been added to Rule 909 to require a hearing in all initial PCRA petitions in capital cases. The language of this amendment is modeled on Rule 570 (Pretrial Conferences). It includes a list of some of the topics that should be considered at this conference.

The original procedure that permitted dismissal without a hearing would be retained for second or subsequent petitions as paragraph (B)(3). Language regarding the pre-dismissal advice similar to that proposed for the Rule 907 Comment would also be added to the Rule 909 Comment as well as the cross-references to *Williams* and *Rush*.

The Committee believed that, given the complexity of issues usually raised in capital case PCRA's, the period in which the court should make its determination should be increased to 180 days but that the provision permitting a 30-day extension should be removed.

[Pa.B. Doc. No. 14-1385. Filed for public inspection July 3, 2014, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ERIE COUNTY

Addition to the Rules of Civil Procedure; No. 90030-14

Order

And Now, this 17th day of June, 2014, Rule 1930.4, as follows, is hereby added to the Local Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania so as to coordinate with Pennsylvania Rule of Civil Procedure 1930.4 and to implement this option in Erie County. This Rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

* * * * *

(c) *Service by Mail*. Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(3) When using certified mail, return receipt requested, pursuant to this Rule, it is permissible to utilize the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt.

* * * * *

[Pa.B. Doc. No. 14-1386. Filed for public inspection July 3, 2014, 9:00 a.m.]

SCHUYLKILL COUNTY

Amend Rule of Judicial Administration 1901(a), (b) Prompt Disposition of Matters; Termination of Inactive Cases; S-1177-2014

Order of Court

And Now, this 17th day of June, 2014, at 3:30 p.m., Schuylkill County Rule of Judicial Administration No. 1901(a), (b) is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File seven (7) certified copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

Schuylkill County Rules of Judicial Administration Rule 1901. Prompt Disposition of Matters; Termination of Inactive Cases.

(a) The Prothonotary shall prepare and forward to the Court on or before the third Monday of September each year, or on such other date as the Court by special order may direct all civil matters in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or

no written objection is docketed in such a matter prior to the commencement of the general call, the prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The Clerk of Courts shall prepare and forward to the Court on or before the third Monday of September each year, or on such other date as the Court by special order may direct criminal proceedings in which no steps or proceedings have been taken for two years or more

prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

The Court may initiate proceedings to terminate the cases contained on said list pursuant to Pa.R.J.A. No 1901(c)(1), (2).

[Pa.B. Doc. No. 14-1387. Filed for public inspection July 3, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61, 63, 69, 71 AND 73]

Fishing

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 69, 71 and 73. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The final-form rulemaking will go into effect on January 1, 2015.

B. Contact Person

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

C. Statutory Authority

The final-form amendments to §§ 61.1—61.4, 63.46, 69.12, 71.6 and 73.1 are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. Summary of Changes

Crayfish are one of the most conspicuous and ecologically important components of aquatic communities in this Commonwealth and across the globe. They are an important forage item for fishes, mammals, birds, reptiles and amphibians and facilitate the transfer of nutrients up through the food chain to higher trophic levels. About half of North America's crayfish fauna is imperiled, and native crayfishes across the continent and in this Commonwealth are rapidly being replaced by introduced (exotic) crayfishes.

The replacement of native crayfish by introduced crayfish represents a significant threat to aquatic communities. Introduced crayfish attain densities that are exceedingly high (sometimes in excess of 200 individuals/m²), often eliminate aquatic macrophytes and suppress benthic invertebrate communities. They can have strong negative effects on amphibians, mussels and fishes.

Stopping the spread of introduced crayfish is difficult once they become widespread. Since the distributions of most introduced crayfishes in this Commonwealth are still limited, there is still time to stop the spread of exotic crayfishes and preserve the native stocks that remain.

Exotic crayfishes occur in a number of water bodies in this Commonwealth and are available from bait shops, biological warehouses, pet stores, live food vendors and aquaculture facilities. To help prevent additional introductions of crayfish in this Commonwealth, stringent regulations and their enforcement is warranted.

The invasive rusty crayfish (*Orconectes rusticus*) has been tightly regulated in this Commonwealth since 2005, and live individuals cannot be possessed, sold, trans-

ported or cultured within this Commonwealth. However, there are five other introduced crayfishes that occur in this Commonwealth that are currently unregulated. These exotic crayfishes can be purchased from commercial dealers or collected from invaded water bodies and released legally into the Commonwealth's waters with potentially devastating effects on native communities. Additionally, although the invasive red swamp crayfish (*Procambarus clarkii*) cannot be propagated in flow-through systems or introduced into Commonwealth waters, the species can be possessed, sold and transported legally within this Commonwealth.

Extending the *Orconectes rusticus* ban to other exotic crayfish species would be impossible to enforce because most natural resource managers and conservation officers have difficulty identifying crayfish species. For this reason, the Commission restricted the sale, possession, introduction, transportation and culture of all live native and nonnative crayfishes in this Commonwealth. Similar restrictions have been passed elsewhere (for example, Wisconsin and parts of Maryland and Canada) with broad public support.

With these amendments, licensed anglers will still be allowed to harvest up to 50 crayfish per day. However, the head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the water from which they were taken. When crayfish are used as bait in the water from which they were taken, the head does not have to be removed. When crayfish are transported from the water from which they were collected, the head must be removed behind the eyes. The amendments also restrict the sale of all live native and nonnative crayfishes in this Commonwealth except when they are sold for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. The amendments also restrict possession, introduction and transportation of all live native and nonnative crayfishes except when: (i) they are possessed and used as bait on, in or about the water from which taken; or (ii) they are possessed or imported for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Except when they are used as bait as previously described, the introduction of any live crayfish into Commonwealth waters will be strictly prohibited.

Although propagation is not specifically addressed by this final-form rulemaking, Commission staff worked with the Department of Agriculture (Department) and registered propagators to address issues pertaining to crayfish culture. Section 71.2 (relating to fish species approved for artificial propagation and introduction) provides that the Bureau of Fisheries (Bureau) will maintain a list of species by watershed for which the Department may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The section further provides that the Bureau may update or modify the list of authorized species by adding species to or deleting species from the list as necessary to provide for the protection and management of fish in this Commonwealth. Therefore, concurrent with this final-form rulemaking, the Commission will remove all crayfish species from the list of species approved for open-system propagation and

introduction in the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems.

The Commission amends §§ 61.1—61.4, 63.46, 69.12, 71.6 and 73.1 to restrict the sale, possession, introduction and transportation of all crayfish species in this Commonwealth to read as set forth in the notice of proposed rulemaking published at 44 Pa.B. 901 (February 15, 2014).

F. Paperwork

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

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public. Any fiscal impact to the private sector is expected to be nominal. Some businesses sell crayfish as pets or bait, but the revenue generated is typically a very minor component of total sales. Other commercial uses include testing and scientific purposes and restaurant consumption. However, under the final-form rulemaking, the sale, possession and transportation of live crayfish is permitted for those purposes when adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Therefore, laboratories, research facilities and restaurants will not be significantly affected by the final-form rulemaking.

H. Public Involvement

Notice of proposed rulemaking was published at 44 Pa.B. 901. The Commission solicited public comments for a period of 60 days. The Commission received a total of 30 comments generally supporting the proposed rulemaking and were summarized in a comment and re-

sponse document. Copies of the public comments and the comment and response document were provided to the Commissioners.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and the public comments that were received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 69, 71 and 73, are amended by amending §§ 61.1—61.4, 63.46, 69.12, 71.6 and 73.1 to read as set forth at 44 Pa.B. 901.

(b) The Executive Director will submit this order and 44 Pa.B. 901 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 44 Pa.B. 901 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2015.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-256 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 14-1388. Filed for public inspection July 3, 2014, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 75]

[L-2014-2404361]

Implementation of the Alternative Energy Portfolio Standards Act of 2004

The Pennsylvania Public Utility Commission (Commission), on February 20, 2014, adopted a proposed rulemaking order amending existing regulations to comply with the act of July 17, 2007 (P. L. 114, No. 35) (Act 35 of 2007) and the act of October 15, 2008 (P. L. 1592, No. 129) (Act 129 of 2008), and to clarify issues of law, administrative procedure and policy.

Executive Summary

The Alternative Energy Portfolio Standards (AEPS) Act of 2004, effective February 28, 2005, establishes alternative energy portfolio standards for electric distribution companies (EDCs) and electric generation suppliers (EGSs) operating in Pennsylvania. 73 P. S. §§ 1648.1—1648.8 and 66 Pa.C.S. § 2814. EDCs and EGSs must supply 18 percent of their retail electric sales using alternative energy resources by 2021, meeting their AEPS requirements through the purchase of alternative energy credits (AECs) in amounts corresponding to the percentage of retail electric sales required from alternative energy sources. 52 Pa. Code § 75.61.

The AEPS Act requires that the Pennsylvania Public Utility Commission (PUC) and the state Department of Environmental Protection (DEP) work cooperatively to monitor the performance of all aspects of the AEPS Act and prepare an annual report for the state Senate Environmental Resources and Energy Committee and the state House Environmental Resources and Energy Committee.

The AEPS Act requires the PUC to develop technical and net metering interconnection standards for customer-generator facilities. 73 P. S. § 1648.5. Act 35 of 2007 amended certain net metering and interconnection definitions and provisions. Act 129 of 2008 amended the AEPS Act by modifying the scope of eligible Tier I alternative energy sources and Tier I compliance obligations. 66 Pa.C.S. § 2814.

The Commission has previously implemented rulemakings to implement the AEPS Act and its subsequent legislative amendments. Now, the Commission proposes to revise its regulations pertaining to the net metering, interconnection, and portfolio standards provisions of the AEPS Act pursuant to Act 35 of 2007 and Act 129 of 2008, as well as to clarify certain issues of law, administrative procedure, and policy.

Public Meeting held
February 20, 2014

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Gladys M. Brown

Implementation of the Alternative Energy Portfolio Standards Act of 2004; Doc. No. L-2014-2404361

Proposed Rulemaking Order

The Commission is charged with carrying out the provisions of the Alternative Energy Portfolio Standards

Act of 2004 (the “AEPS Act”), 73 P. S. § 1648.1, et seq. This obligation includes the adoption of any regulations necessary for its implementation and enforcement. The Commission has promulgated regulations pertaining to the net metering, interconnection and portfolio standard provisions of the AEPS Act.

Based on our experience to date in implementing the current regulations, the Commission finds that it is necessary to update and revise these regulations to comply with Act 129 of 2008, and Act 35 of 2007, and to clarify certain issues of law, administrative procedure and policy. These proposed revisions are being issued for public comment. After receipt and review of public comment, the Commission will issue a final rule for approval consistent with regulatory review process.

Background

The AEPS Act, which became effective February 28, 2005, establishes an alternative energy portfolio standard for Pennsylvania. The Pennsylvania General Assembly charged the Commission with implementing and enforcing this mandate in cooperation with the Pennsylvania Department of Environmental Protection (DEP). 73 P. S. §§ 1648.7(a) and (b). The Commission determined that the Act is in pari materia with the Public Utility Code, and that it would develop the necessary regulations to be codified at Title 52 of the Pennsylvania Code. 1 Pa.C.S. § 1932.

The AEPS Act has been amended on two occasions. Act 35 of 2007, which took effect July 19, 2007, amended certain definitions and provisions for net metering and interconnection. Act 129 of 2008, which became effective on November 14, 2008, amended the AEPS Act by modifying the scope of eligible Tier I alternative energy sources and the Tier I compliance obligation. See 66 Pa.C.S. § 2814.

The Commission has previously issued the following rulemakings to implement the AEPS Act and its subsequent amendments:

- The Commission issued final, uniform net metering regulations for customer-generators. Final Rulemaking Re Net Metering for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5, L-00050174 (Final Rulemaking Order entered June 23, 2006). These regulations were approved by the Independent Regulatory Review Commission (IRRC) and became effective on December 16, 2006.
- The Commission issued final, uniform interconnection regulations for customer-generators. Final Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5, L-00050175 (Final Rulemaking Order entered August 22, 2006, as modified on Reconsideration September 19, 2006). These regulations were approved by the IRRC and became effective on December 16, 2006.
- The Commission revised the net metering regulations and certain definitions to be consistent with the Act 35 of 2007 amendments through a final omitted rulemaking. Implementation of Act 35 of 2007; Net Metering and Interconnection, Docket No. L-00050174 (Final Omitted Rulemaking Order entered July 2, 2008). These revisions were approved by IRRC and became effective November 29, 2008.

- The Commission issued final regulations governing the portfolio standard obligation. Implementation of the Alternative Energy Portfolio Standards Act of 2004, L-00060180 (Final Rulemaking Order entered September 29, 2008). These regulations were approved by IRRC and became legally effective December 20, 2008.

The above-referenced regulations are codified at Chapter 75 of the Public Utility Code, 52 Pa. Code §§ 75.1, et seq.

The Commission issued an Order to implement the AEPS related provisions of Act 129 in 2009. Implementation of Act 129 of 2008 Phase 4—Relating to the Alternative Energy Portfolio Standards Act, Docket M-2009-2093383 (Order entered May 28, 2009). This rulemaking will also codify the processes and standards identified in that Order.

Summary of Changes

For reasons of efficiency, the Commission will propose revisions to the portfolio standard, interconnection and net metering rules through a single rulemaking proceeding. The proposed changes to the existing regulations include, but are not limited to, the following:

- The addition of definitions for aggregator, default service provider, grid emergencies, microgrids and moving water impoundments.

- Revisions to the interconnection rules to reflect the increase in limits on customer-generator capacity contained in the Act 35 of 2007 amendments.

- Revisions to net metering rules and inclusion of a process for obtaining Commission approval to net meter alternative energy systems with a nameplate capacity of 500 kilowatts or greater.

- Clarification of the virtual meter aggregation language.

- Clarification of net metering compensation for customer-generators receiving generation service from electric distribution companies (EDCs), default service providers (DSPs) and electric generation suppliers (EGSs).

- Revisions to the definitions for low-impact hydropower and biomass to conform with the Act 129 of 2008 amendment.

- Addition of provisions for adjusting Tier I compliance obligations on a quarterly basis to comply with the Act 129 of 2008 amendments.

- Addition of provisions for reporting requirements for new low-impact hydropower and biomass facilities in Pennsylvania to comply with the Act 129 of 2008 amendments.

- Clarification of Commission procedures and standards regarding generator certification and the use of estimated readings for solar photovoltaic facilities.

- Clarification of the authority given to the Program Administrator to suspend or revoke the qualification of an alternative energy system and to withhold or retire past, current or future alternative energy credits for violations.

- Clarification of the process for verification of compliance with the AEPS Act.

- Standards for the qualification of large distributed generation systems as customer-generators.

Discussion

The following sections identify proposed revisions to the rules and the Commission's rationale.

A. General Provisions: § 75.1 Definitions

We have revised and clarified several definitions to conform with the amendments to and the intent of the AEPS Act. Furthermore, we have added definitions to provide clarity and guidance in accordance with the intent of the AEPS Act as amended.

1. Aggregator

We have added a definition for aggregator as this term is used later in these regulations. In the context of the AEPS Act, an aggregator is a person or entity that maintains a contract with alternative energy system owners to combine the alternative energy credits from multiple alternative system owners to facilitate the sale of the credits. In implementing the AEPS Act, we have found that, due to the small size of many residential solar photovoltaic systems and the fact that one alternative energy credit equals one megawatt, most of these small alternative energy system owners have difficulty selling the few credits they produce due to the administrative burdens and costs associated with finding a buyer. Due to these barriers, persons and entities have stepped in to assist these small system owners by combining or aggregating the credits produced by many of these small systems and selling those bundled credits. These aggregators are often the point of contact for EDCs and the program administrator when the systems are certified and the output is verified. As such, we have included aggregators in these regulations where the regulations address the interaction between the program administrator and system owners.

2. Alternative Energy Sources

The definition of alternative energy sources is revised to reflect the amendments to the definition for low-impact hydropower and biomass facilities from Act 129. The definition of Tier II alternative energy source will also be revised consistent with the change to the definition for biomass facilities in Act 129.

3. Distributed Generation System

We have also proposed more precise definitions for elements of the definition for distributed generation systems, which is defined as "the small-scale power generation of electricity and useful thermal energy." See Annex A at 3. The current regulation simply repeats the definition in the AEPS Act. This definition is too ambiguous to be useful, and does not provide satisfactory regulatory guidance to potential applicants regarding whether they can qualify a system as an alternative energy source. To provide clarity we have added a capacity limit to provide guidance on what small-scale facilities qualify. In addition, we have added a definition for useful thermal energy that is technology and fuel neutral but does not include common merchant generation facilities, such as combined-cycle electric generation facilities. We believe the proposed definition captures the intent of the General Assembly to use the waste heat from the generation of electricity to offset the use of another fuel source to generate heat for a purpose other than the generation of electricity. The proposed definition will permit a combined heat and power facility with a nameplate capacity of five megawatts or less to qualify as a Tier II alternative energy source.

Defining small-scale is more difficult. Unlike useful thermal energy, the phrase small-scale is not a commonly

recognized or defined term in the context of the regulation of electric generation. However, given that this is a form of distributed generation, we find it reasonable to apply the capacity limits for customer-generators, who are eligible to net meter and interconnect distributed generation resources, to the definition of distributed generation systems. The AEPS Act places a cap of five megawatts on customer-generators. Accordingly, we will limit this Tier II alternative energy source to five megawatts of capacity as well. We note, however, that such distributed generation does not have to qualify as a customer-generator to qualify as a Tier II alternative energy source.

4. *Customer-Generator and Utility*

We also revised the definition of customer-generator and added a definition for utility to make it clear that the definition applies to retail electric customers and not electric utilities, such as EDCs and merchant generators that are in the business of providing electric services. In addition, the changes make it clear that non-electric utilities, such as water and wastewater utilities are not included in the definition's prohibition against utilities qualifying as a customer-generator.

The AEPS Act defines customer-generator as “[a] nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations. . . .” 73 P.S. § 1648.2. In analyzing this definition, we note that the legislature used the word customer in this term. Customer is defined as “one that purchases a commodity or service.”¹ Furthermore, it must be noted that the Public Utility Code defines customer as a retail electric customer in the context of the electric utility industry. See 66 Pa.C.S. § 2803. The Public Utility Code further defines a retail electric customer as a direct purchaser of electric power. *Id.* In the context of the AEPS Act, the commodity or service being provided is electricity or electric service. Accordingly, the term customer-generator by itself connotes an entity which is primarily an end user of electricity or electric service from EDCs, EGSs and merchant generators that provide these services by a person or entity that owns or operates the distributed generation system. The person or entity must purchase electricity or electric service to be considered a customer under the AEPS Act.

Furthermore, this definition specifically identifies a customer-generator as a “nonutility owner or operator” of the distributed generation system. While the AEPS Act does not define what a utility or nonutility is, common usage of the term utility, in the context of the purchase of electricity or electric service, is defined as “a service (as light, power, or water) provided by a public utility.”² Thus, a nonutility would be one who does not provide a service, such as electric service in the context of the AEPS Act. A customer-generator is one who is not in the business of providing electric power to the grid or other electric users. As such, we have defined a utility in this context as a person or entity whose primary business is electric generation, transmission, or distribution services, at wholesale or retail, to other persons or entities.

5. *Grid Emergencies and Microgrid*

The AEPS Act permits facilities with a nameplate capacity of between three megawatts and up to five megawatts to qualify as customer-generator facilities pro-

vided that they make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization (RTO) or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure. We have added definitions for grid emergencies and microgrid to provide guidance on when facilities with a nameplate capacity of between three megawatts and up to five megawatts meet the conditions to qualify as a customer-generator.

The definition for grid emergencies comes from PJM Manual 13 Emergency Operations.³ As PJM is currently the only RTO serving Pennsylvania, we believe this definition is appropriate.

The definition for microgrid references and incorporates the description of a microgrid provided by the Institute of Electrical and Electronic Engineers (IEEE) standard 1547.4. This standard can be found in the IEEE Guide for Design, Operation, and Integration of Distributed Resource Island Systems with Electric Power Systems.

6. *Moving Water Impoundment*

The definitions for large-scale hydropower and low-impact hydropower in the AEPS Act both contain the phrase “the hydroelectric potential of moving water impoundments.” The AEPS Act, however, does not define what moving water impoundments are. We have added a definition for moving water impoundments to provide guidance and clarity. This definition is intended to make it clear that in addition to hydroelectric facilities that utilize dams to impound water, electric turbines placed in rivers or streams without a dam also qualify as hydropower within the AEPS Act.

7. *Default Service Provider*

We have addressed the role of default service providers (DSPs) in net metering provisions of the regulations. While we acknowledge that EDCs currently fill the role of DSP, the Public Utility Code does provide for an alternative supplier to supply default service upon Commission approval. Therefore, we propose a definition for DSP that is consistent with the definition found in the Pennsylvania Public Utility Code at 66 Pa.C.S. § 2803.

B. *Net Metering: § 75.13. General Provisions*

This section features several revisions related to who can qualify for net metering and the compensation they receive. In addition, we have addressed the role of DSPs in net metering and the compensation they provide. While we acknowledge that EDCs currently fill the role of DSP, the Public Utility Code does provide for an alternative supplier to supply default service upon Commission approval. The addition of DSPs to this section simply acknowledges this possibility and provides guidance and clarity regarding a DSP's role in providing net metering and compensation under net metering.

1. *Section 75.13(a)*

Currently, Section 75.13(a) requires EDCs to offer net metering to customer-generators and provides that EGSs may offer net metering to customer-generators under the terms and conditions set forth in agreements between the EGS and the customer-generator taking service from the EGS. The current regulation is silent as to which customer-generators can net meter, other than that they must be using Tier I or Tier II alternative energy sources.

³ See PJM Manual 13, PJM Manual for Emergency Operations at 3, which is available at the following link: <http://www.pjm.com/-/media/documents/manuals/m13.ashx>.

¹ See *Webster's Ninth New Collegiate Dictionary* 318 (1983).

² See *Webster's Ninth New Collegiate Dictionary* 1300 (1983).

We have added a provision for DSPs and have moved the EGS net metering role to subsection 75.13(b) and re-lettered the remaining subsections. In our proposed new section (a), we require EDCs and DSPs to offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis, provided they meet certain conditions.

The first condition requires the customer-generator to have load, independent of the alternative energy system, behind the meter and point of interconnection of the alternative energy system. To be independent, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system. This provision makes explicit what was previously implied in the AEPS Act and the regulations.

This requirement is implied in the AEPS Act definition of net metering where it states that net metering is the means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by the customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity. If there is no independent load behind the meter and point of interconnection for the alternative energy system, by definition, the customer-generator has no requirement for electricity to offset. In addition, this requirement is implied in the current regulations, where it states that EDCs shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter. Again, there would be no need for a customer's electric meter if there was no independent demand for electricity. Furthermore, we note that both alternative and traditional electric generation facilities require electric service to start, operate and maintain those facilities. Thus, to preclude utilities, such as merchant generators, from qualifying for net metering, we require load independent of the generation facility. To do otherwise would be contrary to the definition of a customer-generator that only includes nonutility owners and operators of alternative energy systems.

The second condition requires that the owner or operator of the alternative energy system may not be a utility. As noted previously, the AEPS Act defines a customer-generator as a nonutility owner or operator of a net metered distributed generation system. Again, this condition makes explicit in the rule what is required by the AEPS Act.

The third condition requires that the alternative energy system be sized to generate no more than 110 percent of the customer-generator's annual electric consumption at the interconnection meter and all qualifying virtual meter aggregation locations. The AEPS Act sets maximum nameplate capacity limits for customer-generators by customer class, with 50 kilowatts for residential service and three megawatts at other service locations and up to five megawatts under certain circumstances. To this point, the Commission has not set more restrictive size limitations on customer-generators, except in a policy statement permitting net metering of third-party owned and operated systems. See *Net Metering—Use of Third Party Operators*, Final Order at Docket No. M-2011-2249441 (entered March 29, 2012). In that order, the Commission set the 110 percent size limit as a reasonable way to limit the possibility of merchant generators posing as customer-generators. The Commission further noted

that the majority of comments supported the limit as a reasonable and balanced approach to support the intent of the AEPS Act and limiting the potential for merchant generators to use net metering to circumvent the wholesale electric market and gain excessive retail rate subsidies at retail customer expense. See *Net Metering—Use of Third Party Operators*, Final Order at 8.

While we declined to extend the application of the 100 percent limitation of systems owned or operated by a customer-generator in the policy statement,⁴ we now believe that this same reasonable and balanced approach should apply to all new customer-generators as it more appropriately supports the intent of the AEPS Act. Again, we point out that the AEPS Act defines net metering as a means for a customer-generator to offset part or all of the customer-generator's requirements for electricity. In addition, it ensures that the customer-generator is not acting like a utility or merchant generator, receiving excessive retail rate subsidies from other retail rate customers.

As we adopted in the policy statement, the 110 percent limit is a design limit to be based on historical or estimated annual system output and customer usage, both of which are affected by weather that is beyond the control of the customer.⁵ It is not to be used as a hard kilowatt-hour cap on the customer-generator's system output. We believe that this approach appropriately captures the intent of the AEPS Act regarding net metering and is consistent with how net metering is treated in other states.⁶

The fourth, fifth and sixth conditions simply require that the customer-generator's alternative energy system cannot exceed the nameplate capacity limits, by rate class, set forth in the AEPS Act. As noted above, these are maximum limits on the size of net metered systems. We recognize that even with the 110 percent of annual electric consumption size limitation, some systems may be able to exceed the statutory maximum size limits due to large annual electric demand. Accordingly, we have included these conditions to make it clear that customer-generator systems cannot exceed the statutory nameplate capacity limits.

Finally, in the seventh condition, we have imposed a requirement that all alternative energy systems with a nameplate capacity of 500 kilowatts or greater obtain Commission approval for net metering in accordance with a process we have added to the regulations and discuss below. We believe that this approval process will ensure uniform application of the net metering rules throughout the Commonwealth. We believe that the limiting of Commission review to systems equal to or greater than 500 kilowatts appropriately balances the need for consistent application with the additional administrative efforts and costs such a review imposes. We believe that customer-generators who have the capital to invest in these large and more costly systems will have the resources to comply with this review process. In addition, we believe that the total number of such systems applying for net metering in a year will remain relatively small such that it will not burden the EDCs or the Commission.

⁴ See *Net Metering—Use of Third Party Operators*, Final Order at 9.

⁵ *Id.* at 10.

⁶ See, 26 Del. Admin. Code 3001-8.6.2: "The customer-Generator Facility is designed to produce no more than 110% of the Customer's aggregate electrical consumption. . . ." See also, N.J.A.C. 14:8-4.3(a): EDCs "shall offer net metering . . . provided that the generating capacity of the customer-generator's facility does not exceed the amount of electricity supplied . . . to the customer over an historical 12-month period. . . ." And, N.J.A.C. 14:8-7.3(a)(2): "The generating capacity of the eligible customer's system does not exceed the combined metered annual energy usage of the customer's qualified facilities."

2. Section 75.13(b)

As noted above, we moved the reference to EGSs offering net metering to subsections (b) and re-lettered the remaining subsections. In addition, we added the phrase “or as directed by the Commission” to this subsection. This phrase is intended to make it clear that the Commission has the authority to direct EGSs to offer net metering in certain circumstances. In particular, the Commission would have the authority to direct EGSs to offer net metering if the EGSs are acting in the role of default service provider. This provides consistent and clear guidance along with the addition of references to DSPs added to these rules.

3. Section 75.13(d)

Formerly subsection (c), subsection (d) is revised to include DSP, add a hyphen between the words “customer” and “generator” and to provide clarity on how excess generation in one billing period is to be treated in subsequent billing periods. These changes are not intended to change how net metering has been implemented; we are simply providing clarity so the regulation accurately reflects the Commission’s intent and actual practice.

4. Section 75.13(e)

The re-lettered subsection (e) is being revised to provide clarity on how excess generation amounts are determined at the end of the year and how the compensation is to be computed. These changes are not intended to change how net metering has been implemented; we are simply providing clarity so the regulation accurately reflects the Commission’s intent. The revision makes it clear that only the customer-generator’s excess generation that was not offset by that customer’s usage is to be compensated at the price-to-compare rate. In addition, we make it clear that the EDC/DSP is to use a weighted average of the price-to-compare rate based on the rate in effect when the excess generation was actually delivered. This is intended to compensate the customer-generator in a manner that more accurately represents the value of the excess generation.

5. Section 75.13(f)

The issue in the re-lettered subsection (f) involves the compensation level for customer-generators who exercise the option for retail choice. When a customer shops, they cease to pay the default service provider’s price to compare (which includes all generation and transmission charges) and instead takes this service at a price offered by an EGS.

The current regulation acknowledges this fact, noting that the compensation for kilowatt-hours produced is a matter between an EGS and customer-generator. The regulation merely requires that the terms of the compensation be clearly stated in the service agreement. However, the regulation is silent as to how distribution charges are to be treated by the EDC. Customer-generators who shop are still responsible for the regulated distribution rates of the EDC. Like customer-generators who currently net meter while taking service from the EDC/DSP, customer-generators who take supply service from an EGS shall also receive a credit against the unbundled kilowatt-hour based distribution charges. This credit shall be equal to the unbundled kilowatt-hour distribution charge of the EDC for the customer-generator’s kilowatt-hour rate schedule. As with the generation charges for customer-generators taking EDC/DSP service, any excess kilowatt-hours in any billing period are to be carried forward and credited against the

customer-generator’s kilowatt-hour distribution charges in subsequent billing periods until the end of the year. Any kilowatt-hour distribution credits remaining at the end of the year are zeroed-out such that the customer-generator receives no payments from the EDC, or any remaining kilowatt-hour distribution charge credits into the next year. This language is intended to provide clarity, not to change the current practice under the existing rules.

6. Section 75.13(j)

In the re-lettered subsection (j), we added references to default service and the default service rate. This change simply recognizes DSPs and the role EDCs currently play in providing default service.

7. Section 75.13(k)

In the re-lettered subsection (k), we added references to DSPs and clarify when charges may be applied to customer-generators. The current rule states that an EDC may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers. This prohibition conflicts with regulation 75.14(e), which states that “[i]f the customer-generator requests virtual meter aggregation, it shall be provided by the EDC at the customer-generator’s expense.” In addition, rule 75.14(e) states that “[t]he customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis.” The re-lettered subsection (k) now allows EDCs to charge a fee that is specifically authorized under this chapter or by order of the Commission. This is intended to remove any conflicts in the regulations and provide clarity.

C. Net Metering: §§ 75.12 and 75.14. Meters and Metering

We are proposing to clarify the definition of virtual meter aggregation in Section 75.12 and the application of virtual meter aggregation in Section 75.14(e). In addition, we are proposing to revise the definition of year and yearly in Section 75.12.

1. Virtual Meter Aggregation

We are proposing several changes to the provisions regarding virtual meter aggregation to clarify when it is available.⁷ Virtual metering was initially proposed in this regulation for the purpose of facilitating the development of distributed generation in the agricultural setting, particularly for systems referred to as anaerobic or methane biodigesters. The Commission learned that it was not uncommon for a farmer to own multiple, non-contiguous parcels of land that were separately metered to measure the load served at each location. The Commission chose to permit the virtual metering of these parcels to achieve the policy objectives of the AEPS Act:

The fundamental intent of Act is the expansion and increased use of alternative energy systems and energy efficiency practices. Regulatory and economical barriers have been in place that prevented systems such as anaerobic digesters from being more economical or further developed. This rulemaking provides an opportunity to advance the use of these alternative energy systems in a way that will benefit the customer-generator, ratepayers and the environ-

⁷ The amendments proposed in this section include, but are not limited to, the concerns noted by the Commission in *Larry Moyer v. PPL Electric Utilities Corp.*, Opinion and Order, Docket No. C-2011-2273645 at 17-20 (entered January 9, 2014), in which the Commission referred the issue of whether an interconnected alternative energy system qualifies for net or virtual metering if there is no non-generational load at the interconnection point, to the Law Bureau to consider whether the regulations need to be clarified.

ment by allowing exceptions for this important class of customers. Accordingly, we will permit virtual meter aggregation for customer-generators.

As pointed out by the Pennsylvania Farm Bureau, the proposed definition and application of virtual meter aggregation do not fit the reality of a typical Pennsylvania farm operation that has adequate animal units to produce required amounts of manure for anaerobic digesters to operate efficiently. The Pennsylvania Department of Agriculture recently surveyed 26 farms in the state that either have manure digesters operating, digesters under construction or in the planning stages. Out of the 21 farm operations that responded to the survey, there are 148 individual meters involved, which represents an average of seven meters per farm.

Additionally, a study completed by Dr. James Cobb from the University of Pittsburgh, in 2005, titled *Anaerobic Digesters on Dairy Farms*, indicates a potential of 50-60 digesters being developed on Pennsylvania dairy farms in the foreseeable future. The digesters will not be developed to this extent if the proposed metering aggregation restrictions remain in place.

Final Rulemaking Re Net Metering for Customer-Generators Pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, Docket L-00050174 at 21 (Order entered June 22, 2006).

Subsequent to the Commission's 2006 rulemaking, the General Assembly amended the AEPS Act and included the definition for virtual meter aggregation within the definition of net metering in 73 P.S. § 1648.2.⁸ The language in the amended AEPS Act is nearly identical to the language adopted by the Commission in this proposed rulemaking.

Since the Commission's regulations became effective, various parties have presented scenarios to the Commission for virtual metering that do not comport with our intent to permit a limited amount of virtual meter aggregation. This includes fact patterns where distributed generation is proposed to be installed at a location with no load, but then virtually aggregated with another location that has no distributed generation. Another example includes a retail customer hosting distributed generation that it neither owns nor operates and then aggregating it with the distributed generation owned and operated by an entirely different customer at another location within the two mile limit. We, therefore, propose revisions to Sections 75.12 and 75.14 clarify the acceptable scope of virtual metering.

2. Year and Yearly

In the existing regulations, the term year and yearly, as it applies to net metering, is defined as the planning year as determined by the PJM Interconnection, LLC regional transmission organization. The Commission selected this definition initially to avoid confusion, as it is the same as the AEPS Act compliance year of June 1 through May 31.⁹ In implementing these regulations over the last seven years, it has become clear that the vast majority of net metered customer-generator systems are solar photovoltaic systems. We recognize that these solar photovoltaic systems produce their peak outputs during the months of May through September. Accordingly, with

a year ending in May, many of these systems may have excess generation that receives a payment at the price-to-compare rate as opposed to receiving a fully bundled credit toward their subsequent billing periods. Therefore, we propose to revise the definition for year and yearly as it applies to net metering to the period of time from May 1 through April 30.

D. Net Metering: § 75.16. Large Customer-Generators

This section has been added to address distributed generation systems with a nameplate capacity of greater than three megawatts and up to five megawatts, which for purposes of this rulemaking we will refer to as large customer-generators. The AEPS Act states that systems of this size may qualify for customer-generator status if they meet certain conditions, such as being able to support the transmission grid during an emergency, or being part of a microgrid and able to maintain critical infrastructure.

In the existing regulations at 52 Pa. Code § 75.1, the definition for customer-generator found in the Act is repeated word for word. In the proposed section 75.16 we provide clarification so that potential applicants have a reasonable level of certainty that their systems will qualify for customer-generator status before making an investment to purchase and install such a system.

The newly proposed Section 75.16 identifies the standards that must be met to qualify as a large customer-generator. A customer-generator will be considered to be supporting the grid if an RTO, such as PJM, has formally designated it as a resource that the RTO will call upon during a grid emergency. For example, the PJM Operating Agreement and Open Access Transmission Tariff (OATT) identifies certain emergency rules and procedures in which it may call upon generation resources to run at maximum output to provide support during a generation or transmission emergency. These procedures and associated rules are also delineated in PJM's Reliability Assurance Agreement on file with FERC. Should a customer with a distributed generation system of between three megawatts and five megawatts have all or a portion of its system designated an emergency type support resource by an RTO, it may seek qualification as a customer-generator from the Commission. The applicant will have the burden of demonstrating through appropriate documentation that it has been designated by the RTO as a grid support generation resource.

We note that the customer-generator definition requiring the large facilities to operate in parallel with the local utility during grid emergencies or a microgrid is in place to support critical infrastructure implies that a customer-generator is capable of operating off the grid under certain circumstances. In the case of the grid emergency requirement, the generation facility is able to increase generation output supplied to the local grid or remove all output to the local grid during a grid emergency. Thus, entities that own facilities with a nameplate capacity of between three megawatts and up to five megawatts that normally supply most or all of its output to the local utility cannot qualify as a customer-generator as they cannot make their generation available to operate in parallel only during grid emergencies. In contrast, this definition implies that where a microgrid exists to support critical infrastructure, the generating facility can normally supply energy to and operate in parallel with the local utility, but is able to operate off the local utility grid during grid emergencies to support the continued operation of critical infrastructure. For a large distributed generation system may also qualify for customer-generator status if it is part of a microgrid and provides

⁸ See P.L. 114, No. 35 of 2007.

⁹ See Implementation of Act 35 of 2007 Net Metering and Interconnection, Final Omitted Rulemaking Order at Docket No. L-00050174, entered on July 22, 2008 at 11 and 12.

generation to critical infrastructure. Examples of critical infrastructure are provided within the AEPS Act and have been included in the definition of customer-generator in the regulation.

E. Net Metering: § 75.17. Process for Obtaining Commission Approval of Customer-Generator Status.

Since the inception of the AEPS Act and these regulations, the EDCs have been solely responsible for interconnecting and approving net metering for all customer-generators. While this has worked well for EDCs and customer-generators, the Commission has received some reports of inconsistent application of the net metering rules. In addition, as the Commission is imposing a 110 percent of annual load limit on the size of customer-generators, we are proposing a process for seeking Commission approval of all customer-generators with a nameplate capacity of 500 kilowatts or greater.

Under the proposed process, EDCs are to submit completed net metering applications for alternative energy systems with a nameplate capacity of 500 kilowatts or greater to the Commission's Bureau of Technical Utility Services, within 20 days of receiving them, along with a recommendation on whether the proposed alternative energy system complies with these rules and the EDC's net metering tariff. The EDC is to serve its recommendation on the applicant, who has 20 days to submit a response to the Bureau of Technical Utility Services. The Bureau of Technical Utility Services must review the application, EDC recommendation and applicant response and, pursuant to delegated Commission authority, approve or disapprove the application within 30 days of its submission. The Bureau is to describe in detail its reasons for disapproval of an application. The applicant or the EDC may appeal the Bureau's determination to the Commission within 20 days after service of notice in accordance with rule 5.44 (relating to petitions for appeal from actions of staff).

F. Interconnection: § 75.22. Definitions.

The Commission is proposing a revision to the definition for "electric nameplate capacity." Parties have asked for clarification in the solar photovoltaic context as to whether it is the capacity of the panels that should be measured, or that of the inverter that converts the electricity from direct current (DC) to alternating current (AC). For example, while the panels of a particular residential location may have a DC capacity of 50 kW, the inverter may only be able to convert a maximum of 45 kW to AC. The other five kW is lost in the conversion process.

The Commission has been asked to designate the capacity limit as that of the inverter to enable customer-generators to maximize their output and possible compensation. Accordingly, under the above fact pattern, a residential customer might install panels with 55 kW of DC capacity, but so long as the inverter's AC capacity was no greater than 50 kW, it would qualify as a customer-generator.

The AEPS Act describes a customer-generator in the residential context as the owner or operator of a "net-metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts." See 73 P. S. § 1648.2. The key word in this description is "system." The definition does not refer to individual components of a generator, such as panels or inverters, but to the entire generation system. Therefore, the Commission finds that as the General Assembly referred to the distributed generation system, the General Assembly intended for

customer-generators to have the full benefit of the capacity capabilities of the entire generation system, which in the case of a solar photovoltaic system is the output at the inverter, not the panels. Therefore, electric nameplate capacity will be revised to refer to the limits of the inverter or inverters (if more than one is needed) at a particular customer-generator location, as opposed to the generation device.

G. Interconnection: §§ 75.31, 75.34, 75.39, and 75.40. Capacity Limits.

These sections have been revised to reflect the increase of the capacity limit resulting from Act 35 for customer-generators from 2 MW to 5 MW.

H. Interconnection: § 75.51. Disputes.

The current regulations at § 75.51(c) provides that the Commission may designate a Department of Energy National Laboratory, PJM Interconnection L.L.C., or college or university with distribution system engineering expertise as a technical master. Once the Commission designates a technical master, the parties to a dispute are to use the technical master to help resolve the dispute.

To date the Commission has not designated a technical master. This is due to the fact that there are costs involved in identifying and retaining such expertise, which are not justified by the number of disputes. To date we are not aware of any interconnection disputes that have not been resolved through the normal Commission complaint or alternative dispute resolution processes. As such, we are proposing to delete this subsection.

I. Alternative Energy Portfolio Requirement: § 75.61. EDC and EGS Obligations.

This section has been revised to note that the requirements are subject to the quarterly adjustment provisions of Act 129 of 2008. See 66 Pa.C.S. § 2814(c).

J. Alternative Energy Portfolio Requirement: § 75.62. Alternative Energy System Qualification.

Section 75.62(g) has been added to note that alternative energy system status may be suspended or revoked for violations of the provisions of this chapter. The penalty provision is primarily intended to discourage and, if necessary, punish fraudulent behavior by owners of alternative energy systems. While this authority was implied in the current regulations, we propose adding this provision to make this authority explicit to provide clarity.

K. Alternative Energy Portfolio Requirement: § 75.63. Alternative Energy Credit Certification.

Section 75.63(g) has been supplemented with a proposed end to the use of estimates for future small solar photovoltaic systems and to clarify when estimated readings may be used by existing small solar photovoltaic systems. To begin with, the revision provides that small solar photovoltaic systems installed or that increase capacity on or after 180 days from the effective date of the regulation must use metered data to verify alternative energy credit certification. In adopting the current regulations, we allowed for the use of estimates for small solar photovoltaic systems of 15 kilowatts or less to reduce the cost of installing and operating such systems. Since then, the cost of solar photovoltaic panels have decreased such that the minimal cost of a revenue grade meter no longer provides a barrier to the installation of these small systems. As such, we propose to require all new solar photovoltaic systems to have a revenue grade meter to measure system output for alternative energy credit certification.

The other revisions to Section 75.63(g) provides that estimated reads may be used for existing small solar photovoltaic systems only when no other technology is available, and that once actual metered data begins to be used, estimates are no longer permitted. The revision also prevents estimated data in the context of panels whose orientation can be manually adjusted by the owner/operator, given the problems associated with production verification in this circumstance. Finally, the revisions define the solar modules that are eligible for use with estimates and provide the program administrator express authority to verify the output of those systems.

Three additional subsections have been added in order to resolve issues that have been identified in implementation of the Act. Subsection (i) has been added to clarify that credits can be certified from the time the application is filed with the Commission, so long as either metered data is available, or an inverter reading is included when PV Watts estimates are permitted to be used. This is done to avoid penalizing an applicant for the time it takes the administrator to review and approve the application.

Subsection (j) is being proposed to address incomplete or incorrect applications. The Commission's preference is that the program administrator give an applicant a reasonable period of time, at the administrator's discretion depending on the nature of the issue, to correct the deficiency before rejecting the application. When an application is rejected, the applicant is penalized because it loses the opportunity to earn credits for the period when the application was first filed to the time when it was rejected. Credits may only be earned from the time of the filing of the second application. This section puts applicants on notice of the importance of filing a complete and correct application, the need to timely respond to the administrator's notice to them, and the penalty for failing to do so.

Subsection (k) has been added to resolve an ambiguity over the vintage of alternative energy credits. Generally, credits may only be banked for use for two years. It is therefore necessary that the right vintage year be assigned to a credit, as documented by the certificate created in PJM-EIS's credit registry, the Generator Attribute Tracking System (GATS). Sometimes data may be entered in the credit registry for production that overlaps two different reporting periods. This section confirms that credits will be allocated to the appropriate reporting period, regardless of when the data is entered into the credit registry.

L. Alternative Energy Portfolio Requirement: § 75.64. Alternative Energy Credit Program Administrator.

We have added provisions to Section 75.64(b) to note that alternative energy system status may be suspended or revoked and that the credits from a suspended or revoked system may be withheld or retired for violations of the provisions of this chapter. The penalty provision is primarily intended to discourage, and if necessary, punish, fraudulent behavior by owners or aggregators of alternative energy systems. While this authority was implied in the current regulations, we propose adding this provision to make this authority explicit to provide clarity.

In Section 75.64(c) we have proposed revisions that more accurately reflect the current reporting requirements, timing and processes for determining and verifying EDC and EGS compliance with the AEPS Act obligations.

Finally, in Section 75.64(d) we have proposed a provision that expressly states that the program administrator

may not certify an alternative energy credit that does not meet the requirements of § 75.63 (relating to alternative energy credit certification). This provision is being proposed to provide explicit authority to the program administrator that was previously implied.

M. Alternative Energy Portfolio Requirement: § 75.65. Alternative Compliance Payments.

In this section we are clearly identifying the Commission's Bureau of Technical Utility Services as the Bureau with the responsibility of providing notice of and processing alternative compliance payments.

N. Alternative Energy Portfolio Requirement: §§ 75.71 and 75.72. Quarterly Adjustment of Non-Solar Tier I Obligation.

In 2008, the General Assembly again amended the AEPS Act¹⁰ by adding two new Tier I resources and requiring the Commission to increase the percentage share of Tier I requirements on a quarterly basis to reflect the addition of the new Tier I resources, which was codified in 66 Pa.C.S. § 2814. The Commission issued an Order to implement the AEPS related provisions of Act 129 in 2009. See, Implementation of Act 129 of 2008 Phase 4—Relating to the Alternative Energy Portfolio Standards Act, Docket M-2009-2093383 (Order entered May 28, 2009). This rulemaking will also codify the processes and standards identified in that Order in this Chapter at Sections 75.71 and 75.72.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 23, 2014, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs 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 any 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 Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Conclusion

Accordingly, under 66 Pa.C.S. §§ 501, 1501 and 2807(e), sections 1648.7(a) and 1648.3(e)(2) of the Alternative Energy Portfolio Standards Act of 2004 (73 P. S. §§ 1648.7(a) and 1648.3(e)(2)); the Commonwealth Documents Law (45 P. S. §§ 1201 et seq.), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, the Commission proposes revisions to its regulations pertaining to the alternative energy portfolio standard obligation, and its provisions for net metering and interconnection, as noted and set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The Proposed Rulemaking at Docket L-2014-2404361 will consider the regulations set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

¹⁰ See P. L. 1592, No. 129 of 2008.

3. The Secretary shall submit this order and Annex A to the Governor’s Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review by the Independent Regulatory Review Commission.

5. A copy of this order and Annex be served on the Pennsylvania Department of Environmental Protection, all jurisdictional electric distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s Bureau of Investigation and Enforcement, the Energy Association of Pennsylvania, the Retail Energy Supply Association and the parties in the matter of *Larry Moyer v. PPL Electric Utilities Corp.*, at Docket No. C-2011-2273645.

6. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

7. An original of written comments referencing the docket number of the proposed rulemaking shall be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.

8. The contact person for technical issues related to this rulemaking is Scott Gebhardt, Bureau of Technical Utility Services, (717) 787-2139. That the contact person for legal issues related to this rulemaking is Kriss Brown, Assistant Counsel, Law Bureau, (717) 787-4518. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri Delbiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-304. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 75. ALTERNATIVE ENERGY PORTFOLIO STANDARDS
Subchapter A. GENERAL PROVISIONS

§ 75.1. Definitions.

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

Act—The Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8).

Aggregator—A person or entity that maintains a contract with an individual alternative energy system owner to facilitate the sale of alternative energy credits on behalf of multiple alternative energy system owners.

Alternative energy credit—A tradable instrument that is used to establish, verify and monitor compliance with the act. A unit of credit must equal 1 megawatt hour of electricity from an alternative energy source. An alternative energy credit shall remain the property of the

alternative energy system until the alternative energy credit is voluntarily transferred by the alternative energy system.

Alternative energy sources—The term includes the following existing and new sources for the production of electricity:

* * * * *

(v) Low-impact hydropower consisting of any technology that produces electric power and that harnesses the hydroelectric potential of moving water impoundments[, **provided the incremental hydroelectric development] if one of the following applies:**

(A) The hydropower source has a Federal Energy Regulatory Commission (FERC) licensed capacity of 21 MW or less and was issued its license by January 1, 1984, and was held on July 1, 2007, in whole or in part, by a municipality located wholly within this Commonwealth or by an electric cooperative incorporated in this Commonwealth.

(B) The incremental hydroelectric development:

[(A)] (I) Does not adversely change existing impacts to aquatic systems.

[(B)] (II) Meets the certification standards established by the low impact hydropower institute and American Rivers, Inc., or their successors.

[(C)] (III) Provides an adequate water flow for protection of aquatic life and for safe and effective fish passage.

[(D)] (IV) Protects against erosion.

[(E)] (V) Protects cultural and historic resources.

(vi) Geothermal energy, which means electricity produced by extracting hot water or steam from geothermal reserves in the earth’s crust and supplied to steam turbines that drive generators to produce electricity.

(vii) Biomass energy, which means the generation of electricity utilizing the following:

(A) Organic material from a plant that is grown for the purpose of being used to produce electricity or is protected by the Federal Conservation Reserve Program (CRP) and provided further that crop production on CRP lands does not prevent the achievement of the water quality protection, soil erosion prevention or wildlife enhancement purposes for which the land was primarily set aside.

(B) Solid nonhazardous, cellulosic waste material that is segregated from other waste materials, such as waste pallets, crates and landscape or right-of-way tree trimmings or agricultural sources, including orchard tree crops, vineyards, grain, legumes, sugar and other byproducts or residues.

(C) Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors from alternative energy systems located in this Commonwealth.

(viii) Biologically derived methane gas, which includes methane from the anaerobic digestion of organic materials from yard waste, such as grass clippings and leaves, food waste, animal waste and sewage sludge. The term also includes landfill methane gas.

* * * * *

(xiii) Distributed generation systems, which means the small-scale power generation of electricity and useful thermal energy **from systems with a nameplate capacity not greater than 5 MW.**

* * * * *

Customer-generator—A **retail electric customer that is a nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above 3 megawatts and up to 5 megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an EDC, electric cooperative or municipal electric system have been promulgated by the institute of electrical and electronic engineers and the Commission.**

DSP—Default service provider—**An EDC within its certified service territory or an alternative supplier approved by the Commission that provides generation service when one of the following conditions occurs:**

(i) **A contract for electric power, including energy and capacity, and the chosen EGS does not supply the service to a retail electric customer.**

(ii) **A retail electric customer does not choose an alternative EGS.**

Department—The Department of Environmental Protection of the Commonwealth.

* * * * *

Force majeure—

* * * * *

(iv) If the Commission modifies the EDC or EGS obligations under the act, the Commission may require the EDC or EGS to acquire additional alternative energy credits in subsequent years equivalent to the obligation reduced by a force majeure declaration when the Commission determines that sufficient alternative energy credits exist in the marketplace.

Grid emergencies—**One of the following abnormal system conditions:**

(i) **Manual or automatic action to maintain system frequency to prevent loss of firm load, equipment damage or tripping of system elements that could adversely affect the reliability of an electric system or the safety of persons or property.**

(ii) **Capacity deficiency or capacity excess conditions.**

(iii) **A fuel shortage requiring departure from normal operating procedures to minimize the use of the scarce fuel.**

(iv) **An abnormal natural event or manmade threat that would require conservative operations to posture the system in a more reliable state.**

(v) **An abnormal event external to the PJM service territory that may require PJM action.**

kW—Kilowatt—A unit of power representing 1,000 watts. A kW equals 1/1000 of a MW.

MW—Megawatt—A unit of power representing 1,000,000 watts. An MW equals 1,000 kW.

Microgrid—**A system analogous to the term distributed resources (DR) island system, when parts of the electric grid that have DR and load have the ability to intentionally disconnect from and operate in parallel with electric power systems.**

Moving water impoundment—**A physical feature that confines, restricts, diverts or channels the flow of surface water, including in-stream hydroelectric generating technology and equipment.**

Municipal solid waste—The term includes energy from existing waste to energy facilities which the Department has determined are in compliance with current environmental standards, including the applicable requirements of the Clean Air Act (42 U.S.C.A. §§ 7401—7671g) and associated permit restrictions and the applicable requirements of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

RTO—Regional transmission organization—An entity approved by the [**Federal Energy Regulatory Commission (FERC)**] **FERC** that is created to operate and manage the electrical transmission grids of the member electric transmission utilities as required under FERC Order 2000, Docket No. RM99-2-000, FERC Chapter 31.089 (1999) or any successor organization approved by the FERC.

* * * * *

Tier II alternative energy source—Energy derived from:

* * * * *

(vi) **Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors from alternative energy systems located outside this Commonwealth.**

(vii) **Integrated combined coal gasification technology.**

True-up period—The period each year from the end of the reporting year until September 1.

Useful thermal energy—

(i) **Thermal energy created from the production of electricity which would otherwise be wasted if not used for other nonelectric generation, beneficial purposes.**

(ii) **The term does not apply to the use of thermal energy used in combined-cycle electric generation facilities.**

Utility—A person or entity that provides electric generation, transmission or distribution services, at wholesale or retail, to other persons or entities.

Subchapter B. NET METERING

§ 75.12. Definitions.

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

* * * * *

Virtual meter aggregation—The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact. Virtual meter aggregation on properties owned or leased and operated by [a] **the same** customer-generator and located within 2 miles of the boundaries of the customer-generator's property and within a single [**electric distribution company's**] EDC's service territory shall be eligible for net metering. **Service locations to be aggregated must be receiving retail electric service from the same EDC and have measureable electric load independent of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.**

Year and yearly—[**Planning year as determined by the PJM Interconnection, LLC regional transmission organization.**] The period of time from May 1 through April 30.

§ 75.13. General provisions.

(a) EDCs and DSPs shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis. **To qualify for net metering, the customer-generator shall meet the following conditions:**

(1) **Have electric load, independent of the alternative energy system, behind the meter and point of interconnection of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.**

(2) **The owner or operator of the alternative energy system may not be a utility.**

(3) **The alternative energy system must be sized to generate no more than 110% of the customer-generator's annual electric consumption at the interconnection meter location when combined with all qualifying virtual meter aggregation locations.**

(4) **The alternative energy system must have a nameplate capacity of not greater than 50 kW if installed at a residential service location.**

(5) **The alternative energy system must have a nameplate capacity not larger than 3 MW at other customer service locations.**

(6) **The alternative energy system must have a nameplate capacity not larger than 5 MW and meets the conditions in § 75.16 (relating to large customer-generators).**

(7) **An alternative energy system with a nameplate capacity of 500 kW or more must have Commission approval for net metering in accordance with § 75.17 (relating to process for obtaining Commission approval of customer-generator status).**

(b) EGSs may offer net metering to customer-generators, on a first come, first served basis, under the terms and conditions as are set forth in agreements between EGSs and customer-generators taking service from EGSs, or as directed by the Commission.

[(b)] (c) An EDC shall file a tariff with the Commission that provides for net metering consistent with this chapter. An EDC shall file a tariff providing net metering protocols that enable EGSs to offer net metering to customer-generators taking service from EGSs. To the extent that an EGS offers net metering service, the EGS shall prepare information about net metering consistent with this chapter and provide that information with the disclosure information required in § 54.5 (relating to disclosure statement for residential and small business customers).

[(c) The EDC] (d) An EDC and DSP shall credit a customer-generator at the full retail rate, which shall include generation, transmission and distribution charges, for each kilowatt-hour produced by a Tier I or Tier II resource installed on the customer-generator's side of the electric revenue meter, up to the total amount of electricity used by that customer during the billing period. If a [**customer generator**] **customer-generator** supplies more electricity to the electric distribution system than the EDC [**delivers**] and DSP **deliver** to the customer-generator in a given billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate. Any excess kilowatt hours **that are not offset by electricity used by the customer in subsequent billing periods** shall continue to accumulate until the end of the year. For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first to the meter through which the generating facility supplies electricity to the distribution system, then through the remaining meters for the customer-generator's account equally at each meter's designated rate.

[(d)] (e) At the end of each year, the [**EDC**] DSP shall compensate the customer-generator for any **remaining** excess kilowatt-hours generated by the customer-generator [**over the amount of kilowatt hours delivered by the EDC during the same year**] that were not previously credited against the customer-generator's usage in prior billing periods at the EDC's price to compare rate. **In computing the compensation, the DSP shall use a weighted average of the price to compare rate with the weighting based on the rate in effect when the excess generation was actually delivered by the customer-generator to the DSP.**

[(e)] (f) The credit or compensation terms for excess electricity produced by customer-generators who are customers of EGSs shall be stated in the service agreement between the customer-generator and the EGS. **EDCs shall credit customer-generators who are EGS customers for each kilowatt-hour of electricity produced at the EDC's unbundled distribution kilowatt-hour rate. The distribution credit shall be applied monthly. If the customer-generator supplies more electricity to the electric distribution system than the EDC delivers to the customer-generator in any billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator's unbundled distribution usage in subsequent billing periods until the end of the year when all remaining unused distribution credits shall be zeroed-out. Distribution credits are not carried forward into the next year.**

[(f)] (g) If a customer-generator switches electricity suppliers, the EDC shall treat the end of the service period as if it were the end of the year.

[(g)] (h) An EDC and EGS which offer net metering shall submit an annual net metering report to the Commission. The report shall be submitted by July 30 of each year, and include the following information for the reporting period ending May 31 of that year:

- (1) The total number of customer-generator facilities.
- (2) The total estimated rated generating capacity of its net metering customer-generators.

[(h)] (i) A customer-generator that is eligible for net metering owns the alternative energy credits of the electricity it generates, unless there is a contract with an express provision that assigns ownership of the alternative energy credits to another entity or the customer-generator expressly rejects any ownership interest in alternative energy credits under § 75.14(d) (relating to meters and metering).

[(i)] (j) An EDC and DSP shall provide net metering at nondiscriminatory rates identical with respect to rate structure, retail rate components and any monthly charges to the rates charged to other customers that are not customer-generators **on the same default service rate**. An EDC and DSP may use a special load profile for the customer-generator which incorporates the customer-generator's real time generation if the special load profile is approved by the Commission.

[(j)] (k) An EDC or DSP may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers that are not customer-generators, **or is specifically authorized under this chapter or by order of the Commission**. The EDC and DSP may not require additional equipment or insurance or impose any other requirement unless the additional equipment, insurance or other requirement is specifically authorized under this chapter or by order of the Commission.

[(k)] (l) Nothing in this subchapter abrogates a person's obligation to comply with other applicable law.

§ 75.14. Meters and metering.

* * * * *

(e) Virtual meter aggregation on properties owned or leased and operated by [a] **the same** customer-generator shall be allowed for purposes of net metering. Virtual meter aggregation shall be limited to meters located on properties owned or leased and operated by **the same customer-generator** within 2 miles of the boundaries of the customer-generator's property and within a single EDC's service territory. **All properties to be aggregated must be receiving electric generation service and have measureable load independent of any alternative energy system**. Physical meter aggregation shall be at the customer-generator's expense. The EDC shall provide the necessary equipment to complete physical aggregation. If the customer-generator requests virtual meter aggregation, it shall be provided by the EDC at the customer-generator's expense. The customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis.

* * * * *

(Editor's Note: Sections 75.16 and 75.17 are new and printed in regular type to enhance readability.)

§ 75.16. Large customer-generators.

(a) This section applies to distributed generation systems with a nameplate capacity above 3 MW and up to 5 MW. The section identifies the standards that distributed generation systems must satisfy to qualify for customer-generator status.

(b) A retail electric customer may qualify its alternative energy system for customer-generator status if it makes its system available to operate in parallel with the grid during grid emergencies by satisfying the following requirements:

(1) An RTO has designated, under a Federal Energy Regulatory Commission approved tariff or agreement, the alternative energy system as a generation resource that may be called upon to respond to grid emergencies.

(2) The alternative energy system is able to provide the emergency support consistent with the tariff or agreement.

(3) The alternative energy system is able to increase and decrease generation delivered to the distribution system in parallel with the EDC's operation of the distribution system during the grid emergency.

(c) A retail electric customer may qualify its alternative energy system located within a microgrid for customer-generator status if it satisfies the following requirements:

(1) The alternative energy system complies with IEEE Standard 1547.4.

(2) The customer documents that the alternative energy system exists for the primary or secondary purpose of maintaining critical infrastructure.

§ 75.17. Process for obtaining Commission approval of customer-generator status.

(a) This section establishes the process through which EDCs obtain Commission approval to net meter alternative energy systems with a nameplate capacity of 500 kW or greater.

(b) An EDC shall submit a completed net metering application to the Commission's Bureau of Technical Utility Services with a recommendation on whether the alternative energy system complies with the applicable provisions of this chapter and the EDC's net metering tariff provisions within 20 days of receiving a completed application. The EDC shall serve its recommendation on the applicant.

(c) The net metering applicant has 20 days to submit a response to the EDC's recommendation to the Bureau of Technical Utility Services.

(d) The Bureau of Technical Utility Services will review the net metering application, the EDC recommendation and response, and make a determination as to whether the alternative energy system complies with this chapter and the EDC's net metering tariff.

(e) The Bureau of Technical Utility Services will approve or disapprove the net metering application within 30 days of submission and describe in detail the reasons for disapproval. The Bureau of Technical Utility Services will serve its determination on the EDC and the applicant.

(f) The applicant and the EDC may appeal the determination of the Bureau of Technical Utility Services in accordance with § 5.44 (relating to petitions for reconsideration from actions of the staff).

Subchapter C. INTERCONNECTION STANDARDS
GENERAL

§ 75.22. Definitions.

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

* * * * *

Electric nameplate capacity—The net maximum or net instantaneous peak electric output [**capability**] **capacity** measured in volt-amps of a small generator facility, **the inverter or the aggregated capacity of multiple inverters at an alternative energy systems location** as designated by the manufacturer.

* * * * *

INTERCONNECTION PROVISIONS

§ 75.31. Applicability.

The interconnection procedures apply to customer-generators with small generator facilities that satisfy the following criteria:

(1) The electric nameplate capacity of the small generator facility is equal to or less than [**2**] **5** MW.

* * * * *

§ 75.34. Review procedures.

An EDC shall review interconnection requests using one or more of the following four review procedures:

* * * * *

(2) An EDC shall use Level 2 procedures for evaluating interconnection requests to connect small generation facilities when:

(i) The small generator facility uses an inverter for interconnection.

(ii) The electric nameplate capacity rating is [**2**] **5** MW or less.

(iii) The customer interconnection equipment proposed for the small generator facility is certified.

(iv) The proposed interconnection is to a radial distribution circuit, or a spot network limited to serving one customer.

(v) The small generator facility was reviewed under Level 1 review procedures but not approved.

(3) An EDC shall use Level 3 review procedures for evaluating interconnection requests to connect small generation facilities with an electric nameplate capacity of [**2**] **5** MW or less which do not qualify under Level 1 or Level 2 interconnection review procedures or which have been reviewed under Level 1 or Level 2 review procedures, but have not been approved for interconnection.

* * * * *

§ 75.39. Level 3 interconnection review.

(a) Each EDC shall adopt the Level 3 interconnection review procedure in this section. An EDC shall use the Level 3 review procedure to evaluate interconnection requests that meet the following criteria and for interconnection requests considered but not approved under a Level 2 or a Level 4 review if the interconnection customer submits a new interconnection request for consideration under Level 3:

(1) The small generator facility has an electric nameplate capacity that is [**2**] **5** MW or less.

(2) The small generator facility is less than [**2**] **5** MW and not certified.

(3) The small generator facility is less than [**2**] **5** MW and noninverter based.

* * * * *

§ 75.40. Level 4 interconnection review.

* * * * *

(d) When interconnection to circuits that are not networked is requested, upon the mutual agreement of the EDC and the interconnection customer, the EDC may use the Level 4 review procedure for an interconnection request to interconnect a small generator facility that meets the following criteria:

(1) The small generator facility has an electric nameplate capacity of [**2**] **5** MW or less.

(2) The aggregated total of the electric nameplate capacity of all of the generators on the circuit, including the proposed small generator facility, is [**2**] **5** MW or less.

* * * * *

DISPUTE RESOLUTION

§ 75.51. Disputes.

* * * * *

(c) When disputes relate to the technical application of this chapter, the Commission may designate a technical master to resolve the dispute. The Commission may designate a Department of Energy National laboratory, PJM Interconnection L.L.C., or a college or university with distribution system engineering expertise as the technical master. When the Federal Energy Regulatory Commission identifies a National technical dispute resolution team, the Commission may designate the team as its technical master. Upon Commission designation, the parties shall use the technical master to resolve disputes related to interconnection. Costs for dispute resolution conducted by the technical master shall be determined by the technical master subject to review by the Commission.

(d)] (c) Pursuit of dispute resolution may not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

Subchapter D. ALTERNATIVE ENERGY PORTFOLIO REQUIREMENT

§ 75.61. EDC and EGS obligations.

* * * * *

(b) For each reporting period, EDCs and EGSs shall acquire alternative energy credits in quantities equal to a percentage of their total retail sales of electricity to all retail electric customers for that reporting period, as measured in MWh. The credit obligation for a reporting period shall be rounded to the nearest whole number. The required quantities of alternative energy credits for each reporting period are identified in the following schedule, **subject to the quarterly adjustment of the nonsolar Tier I obligation under § 75.71 (relating to quarterly adjustment of nonsolar Tier I obligation):**

* * * * *

§ 75.62. Alternative energy system qualification.

* * * * *

(f) A facility may not be qualified unless the Department has verified compliance with applicable environmental regulations, and the standards set forth in section 2 of the act (73 P. S. § 1648.2).

(g) A facility's alternative energy system status may be suspended or revoked for noncompliance with this chapter, including the following circumstances:

(1) Providing false information to the Commission, credit registry or program administrator.

(2) Department notification to the Commission of violations of standards in section 2 of the act.

§ 75.63. Alternative energy credit certification.

* * * * *

(g) For solar photovoltaic alternative energy systems with a nameplate capacity of 15 [kilowatts] kW or less that are installed or that increase nameplate capacity on or after _____ (*Editor's Note: The blank refers to 180 days after the effective date of adoption of this proposed rulemaking.*), alternative energy credit certification shall be verified by the administrator designated under § 75.64 using metered data. For solar photovoltaic alternative energy systems with a nameplate capacity of 15 kW or less that are installed before _____, (*Editor's Note: The blank refers to 180 days after the effective date of adoption of this proposed rulemaking.*) alternative energy credit certification shall be verified by the administrator using either metered data or estimates. The use of estimates is subject to the following conditions:

(1) A revenue grade meter has not been installed to measure the output of the alternative energy system.

(2) The alternative energy system has not used actual meter or other monitoring system readings for determining system output in the past.

(3) The solar photovoltaic alternative energy system has either a fixed solar orientation or a one-axis or two-axis automated solar tracking system.

(4) The solar photovoltaic alternative energy system is comprised of crystalline silicon modules or a type of module that meets the criteria of the program used by the program administrator to calculate the estimates.

(5) The program administrator has deemed the solar photovoltaic alternative energy system eligible to utilize estimates based on the verified output of the alternative energy system.

(h) An alternative energy credit represents the attributes of 1 MWh of electric generation that may be used to satisfy the requirements of § 75.61 (relating to EDC and EGS obligations). The alternative energy credit shall remain the property of the alternative energy system until voluntarily transferred. A certified alternative energy credit does not automatically include environmental, emissions or other attributes associated with 1 MWh of electric generation. Parties may bundle the attributes unrelated to compliance with § 75.61 with an alternative energy credit, or, alternatively, sell, assign, or trade them separately.

(i) An alternative energy system may begin to earn alternative energy credits on the date a complete application is filed with the administrator, provided that a meter or inverter reading is included with the application.

(j) An alternative energy system application may be rejected if the applicant does not respond to a program administrator request for information or data within 90 days. An application that is not approved within 180 days of its submission due to the applicant's failure to provide information or data to the program administrator will be deemed rejected unless affirmatively held open by the program administrator.

(k) Alternative energy system generation or conservation data entered into the credit registry will be allocated to the compliance year in which the generation or conservation occurred to ensure that alternative energy credits are certified with the correct vintage year.

§ 75.64. Alternative energy credit program administrator.

* * * * *

(b) The program administrator will have the following powers and duties in regard to alternative energy system qualification:

* * * * *

(5) The program administrator will provide written notice to applicants of its qualification decision within 30 days of receipt of a complete application form.

(6) The program administrator may suspend or revoke the qualification of an alternative energy system and withhold or retire past, current or future alternative energy credits attributed to an alternative energy system for noncompliance with this chapter, including the following circumstances:

(i) It no longer satisfies the alternative energy system qualification standards in § 75.62.

(ii) The owner or aggregator of the alternative energy system provides false or incorrect information in an application.

(iii) The owner or aggregator of the alternative energy system fails to notify the program administrator of changes to the alternative energy system that effect the alternative energy system's generation output.

(iv) The owner or aggregator of the alternative energy system fails to notify the program administrator of a change in ownership or aggregator of the alternative energy system.

(v) The owner or aggregator provides false or inaccurate information to the credit registry.

(vi) The owner or aggregator fails to respond to data and information requests from the Commission, Department or program administrator.

(c) The program administrator shall have the following powers and duties regarding the verification of compliance with this chapter:

(1) At the end of each reporting period, the program administrator shall verify the EDC and EGS [compliance with § 75.61 (relating to EDC and EGS obligations)] reported load, and provide written notice to each EDC and EGS [of an initial assessment of

their] of its compliance [status] obligations within 45 days of the end of the reporting period.

(2) At the end of each true-up period, the administrator shall verify compliance with § 75.61 (relating to EDC and EGS obligations) for all EDCs and EGSs [who were in violation of § 75.61 at the end of the reporting period]. The administrator will provide written notice to each EDC and EGS of a final assessment of [their] its compliance status within [15] 45 days of the end of the true-up period.

(3) EDCs and EGSs shall provide all information to the program administrator necessary to verify compliance with § 75.61 including the prices paid for the alternative energy credits used for compliance. The pricing information must include a per credit price for any credits used for compliance that were not self-generated or bundled with energy.

(4) The program administrator shall provide a report to the [Commission] Commission's Bureau of Technical Utility Services within 45 days of the end of [each reporting period and] the true-up period that identifies the compliance status of all EDCs and EGSs. The report provided after the end of the true-up period shall propose alternative compliance payment amounts for each EDC and EGS that is noncompliant with § 75.61 for that reporting period. As part of this report, the administrator shall identify the average market value of alternative energy credits derived from solar photovoltaic energy sold in the reporting period for each RTO that manages a portion of this Commonwealth's transmission system.

(d) The program administrator shall have the following powers and duties relating to alternative energy credit certification:

(1) The program administrator may not certify an alternative energy credit already purchased by individuals, businesses or government bodies that do not have a compliance obligation under the act unless the individual, business or government body sells those credits to the EDC or EGS.

(2) The program administrator may not certify an alternative energy credit for a MWh of electricity generation or electricity conservation that has already been used to satisfy another state's renewable energy portfolio standard, alternative energy portfolio standard or other comparable standard.

(3) The program administrator may not certify an alternative energy credit that does not meet the requirements of § 75.63 (relating to alternative energy credit certification).

(e) A decision of the program administrator may be appealed consistent with § 5.44 (relating to petitions for [appeal] reconsideration from actions of the staff).

* * * * *

§ 75.65. Alternative compliance payments.

(a) Within 15 days of receipt of the report identified in § 75.64(c)(4) (relating to alternative energy credit program administrator), the [Commission] Commission's Bureau of Technical Utility Services will provide written notice to each EDC and EGS that was noncompliant with § 75.61 (relating to EDC and EGS obligations) of their alternative compliance payment for that reporting period.

* * * * *

(c) EDCs and EGSs shall advise the [Commission] Bureau of Technical Utility Services in writing within 15 days of the issuance of this notice of their acceptance of the alternative compliance payment determination or, if they wish to contest the determination, file a petition to modify the level of the alternative compliance payment. The petition must include documentation supporting the proposed modification. The [Commission] Bureau of Technical Utility Services will refer the petition to the [Office of Administrative Law Judge] Commission's Bureau of Investigation and Enforcement for further [proceedings] actions as may be [necessary] warranted. Failure of an EDC or EGS to respond to the [Commission] Bureau of Technical Utility Services within 15 days of the issuance of this notice shall be deemed an acceptance of the alternative compliance payment determination.

* * * * *

(Editor's Note: Sections 75.71 and 75.72 are new and printed in regular type to enhance readability.)

§ 75.71. Quarterly adjustment of nonsolar Tier I obligation.

(a) The Tier I nonsolar photovoltaic obligation of EDCs and EGSs shall be adjusted quarterly during the reporting period to comply with section 2814(c) of the act (relating to additional alternative energy sources).

(b) The quarterly requirement will be determined as follows:

(1) The nonsolar photovoltaic Tier I quarterly percentage increase equals the ratio of the available new Tier I MWh generation to total quarterly EDC and EGS MWh retail sales (new Tier I MWh generation/EDC and EGS MWh retail sales = nonsolar pv Tier I % increase).

(2) The new quarterly nonsolar photovoltaic Tier I requirement equals the sum of the new nonsolar photovoltaic Tier I percentage increase and the annual nonsolar photovoltaic Tier I percentage requirement in § 75.61(b) (relating to EDC and EGS obligations) (nonsolar photovoltaic Tier I % increase + annual nonsolar photovoltaic Tier I % = new quarterly nonsolar photovoltaic Tier I % requirement).

(3) An EDC's or EGS's quarterly MWh retail sales multiplied by the new quarterly nonsolar photovoltaic Tier I requirement (EDC and EGS quarterly MWh x new quarterly nonsolar photovoltaic Tier I % = EDCs' and EGSs' quarterly nonsolar photovoltaic Tier I requirement) yields the quantity of alternative energy credits required by that EDC or EGS for compliance. The EDC and EGS final total annual compliance obligations shall be determined by the program administrator at the end of the compliance year in accordance with § 75.64(c) (relating to alternative energy credit program administrator).

(c) Alternative energy systems qualified consistent with section 2814(a) and (b) of the act shall grant the program administrator access to their credit registry account information as a condition of certification of any alternative energy credits created under these sections.

§ 75.72. Reporting requirements for quarterly adjustment of nonsolar Tier I obligation.

(a) For purposes of implementing § 75.71 (relating to quarterly adjustment of nonsolar Tier I obligation) EDCs and EGSs shall report their monthly retail sales on a quarterly basis during the reporting period. An EDC shall submit its monthly sales data and the monthly sales data

for each EGS serving in its service territory to the program administrator each quarter as follows:

(1) First quarter (June, July and August) due by October 30.

(2) Second quarter (September, October and November) due by January 30.

(3) Third quarter (December, January and February) due by April 30.

(4) Fourth quarter (March, April and May) due by June 30.

(b) Each EGS shall verify its monthly sales data each quarter as follows:

(1) First quarter (June, July and August) due by the second business day after October 30.

(2) Second quarter (September, October and November) due by the second business day after January 30.

(3) Third quarter (December, January and February) due by the second business day after April 30.

(4) Fourth quarter (March, April and May) due by the second business day after June 30.

(c) For purposes of implementing the § 75.71, all Tier I alternative energy systems qualified under section

2814(a) and (b) of the act (relating to additional alternative energy sources) shall provide the following information on a monthly basis:

(1) The facility's total generation from qualifying alternative energy sources for the month in MWh, broken down by source.

(2) The amount of alternative energy credits sold in the month to each EDC and EGS with a compliance obligation under the act.

(3) The amount of alternative energy credits sold in the month to any other entity, including EDCs, EGSs and other users for compliance with another state's alternative/renewable energy portfolio standard or sold on the voluntary market. Each alternative energy credit and the entity they were transferred to must be listed.

(4) The amount of alternative energy credits created and eligible for sale during the month but not yet sold.

(5) The sale or other disposition of alternative energy credits created in prior months and transferred in the month, itemized by compliance status (Pennsylvania portfolio standard, other state compliance, voluntary market, and the like).

[Pa.B. Doc. No. 14-1389. Filed for public inspection July 3, 2014, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 24, 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>
6-19-2014	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County Application for Bryn Mawr Bank Corporation to acquire 100% of Continental Bank Holdings, Inc., Plymouth Meeting, and thereby indirectly acquire Continental Bank, Plymouth Meeting.	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-19-2014	The Bryn Mawr Trust Company Bryn Mawr Montgomery County Application for approval to merge Continental Bank, Plymouth Meeting, with and into The Bryn Mawr Trust Company, Bryn Mawr.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-6-2014	Marion Center Bank Indiana Indiana County	279 Beaver Street Hastings Cambria County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-20-2014	Royal Bank America Narberth Montgomery County	<i>To:</i> 1651 Blackwood Clementon Road Blackwood Camden County, NJ <i>From:</i> 1990 New Brooklyn Road Sicklerville Gloucester County, NJ	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-20-2014	William Penn Bank Levittown Bucks County Amendment to Article 2 of the institution's Articles of Incorporation provides for a change in principal place of business from 8150 Route 13, Levittown, Bucks County, PA 19057 to 1309 South Woodbourne Road, Levittown, Bucks County, PA 19057.	Filed

CREDIT UNIONS
Branch Applications
De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-19-2014	TruMark Financial Credit Union Trevose Bucks County	275 Swamp Road Newtown Bucks County	Approved

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-1390. Filed for public inspection July 3, 2014, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Execution of Oil and Gas Lease for Publicly-Owned Streambeds

Effective January 31, 2014, an Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102025-04, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (Department) (lessor), and Vantage Energy Appalachia, LLC (lessee), with its principal place of business located at 116 Iverness Drive East, Suite 107, Englewood, CO 80112.

The lease is for Streambed Tract 2025, encompassing a total of approximately 80.423 acres of submerged lands located in Jefferson and Waynesburg Townships, Greene County. The lease was recorded at the Greene County courthouse on March 27, 2014, instrument no. 201400001688, Book 467, page 723-729. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of Tenmile Creek solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102025-04 may be viewed online at <http://contracts.patreasury.gov/View.aspx?ContractID=263776>.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division at (717) 787-2703.

ELLEN M. FERRETTI,
Secretary

[Pa.B. Doc. No. 14-1391. Filed for public inspection July 3, 2014, 9:00 a.m.]

Execution of Oil and Gas Lease for Publicly-Owned Streambeds

Effective February 25, 2014, an Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102029-6, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (Department) (lessor), and XTO Energy, Inc.

(lessee), with its principal place of business located at 810 Houston Street, Fort Worth, TX 76102.

The lease is for Streambed Tract 2029 and includes two separate parcels encompassing a total of approximately 18.7 acres of submerged lands located in Burrell, Center, Brush Valley and West Wheatfield Townships, Indiana County. The lease was recorded at the Indiana County courthouse on March 11, 2014, instrument no. 2014-250248. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of Blacklick Creek solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102029-6 may be viewed online at <http://contracts.patreasury.gov/View.aspx?ContractID=263778>.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division at (717) 787-2703.

ELLEN M. FERRETTI,
Secretary

[Pa.B. Doc. No. 14-1392. Filed for public inspection July 3, 2014, 9:00 a.m.]

Wild Resource Conservation Program Hearing

A hearing will be held on Tuesday, August 5, 2014, to comment on the applications submitted to the Wild Resource Conservation Program for grant funding in Fiscal Year 2014-2015. The hearing will be held at 10:30 a.m. in the 6th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this hearing can be directed to Jennifer Girton at (717) 787-3212, jgirton@pa.gov or Greg Czarnecki at (717) 783-1337, gczarnecki@pa.gov. Individuals who plan to make comments should contact Jennifer Girton or Greg Czarnecki.

Persons in need of accommodations as provided for the Americans with Disability Act of 1990 should contact Greg Czarnecki directly or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Conservation and Natural Resources may accommodate their needs.

ELLEN FERRETTI,
Secretary

[Pa.B. Doc. No. 14-1393. Filed for public inspection July 3, 2014, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060755 (Sewage)	Wyoming County Housing Authority (Meshoppen Towne House Apartments) 133 SJ Bailey Road Nicholson, PA 18446	Wyoming County Meshoppen Township	Little Meshoppen Creek (4-G)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0263478 (Sewage)	Edward F. & Lorraine D. Selvoski SFTF 3287 West Washington Street, Bradford, PA 16701	McKean County Corydon Township	Willow Creek (16-B)	Y
PA0239381 (Sewage)	Silva SRSTP 680 Hilltop Drive, Pittsfield, PA 16340	Warren County Deerfield Township	Unnamed Tributary to the Rock Hollow Run (16-F)	Y

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

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

PA0012726, Industrial Waste, SIC Code 3354, **Sapa Extrusions, Inc.**, P. O. Box 187, 53 Pottsville Street, Cressona, PA 17929-0187. Facility Name: Sapa Extrusions, Inc. This existing facility is located in Cressona Borough, **Schuylkill County**.

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

The receiving stream, West Branch Schuylkill River, is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 (discharge from IMP 010, stormwater and noncontact cooling water) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total PCBs	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 007 (stormwater and groundwater infiltration) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total PCBs	XXX	XXX	XXX	0.00175	XXX	XXX

The proposed effluent limits for Outfall 008 (stormwater and groundwater infiltration) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total PCBs	XXX	XXX	XXX	0.00175	XXX	XXX

The proposed effluent limits for Outfall 009 (stormwater and groundwater infiltration) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total PCBs	XXX	XXX	XXX	0.00175	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 010 are based on a discharge flow of 0.100 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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	218	413	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	Report	XXX	XXX	4,000	XXX
Oil and Grease	12.5	25.0	XXX	15	30	30
Total Aluminum						
(Interim)	27.2	57.6	XXX	Report	Report	XXX
(Final)	12.7	19.8	XXX	15.2	23.7	38.0
Total Chromium	1.53	3.73	XXX	Report	Report	XXX
Total Cyanide	0.94	2.28	XXX	Report	Report	XXX
Total Iron	Report	XXX	XXX	Report	XXX	XXX
Total Manganese	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Thallium						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.0120	0.0188	XXX	0.0144	0.0225	0.0360
Total Zinc	4.76	11.46	XXX	Report	Report	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
Total PCBs	Avg Qrtly XXX	XXX	XXX	Avg Qrtly 0.00175	XXX	XXX

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

- WQBELs Below Quantitation Limits
- Total PCBs
- Treatment System for PCBs
- Schedule of Compliance for Total Thallium
- 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 not in effect.

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

PA0009733, Industrial Waste, SIC Code 4911, **Exelon Generation Company LLC**, 1848 Lay Road, Delta, PA 17314-9032. Facility Name: Peach Bottom Atomic Power Station. This existing facility is located in Peach Bottom Township, **York County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-1 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 2292 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.2
Temperature (°F)	XXX	XXX	XXX	Report	Report	110
Nalco H150M	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen Intake	Avg. Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus Intake	Report	XXX	XXX	Report	XXX	XXX
Total PCBs	XXX	XXX	XXX	XXX	XXX	Report
Total PCBs Intake	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 002 are based on a design flow of 0.528 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
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.2
Temperature (°F)	XXX	XXX	XXX	Report	Report	Report
Total PCBs	XXX	XXX	XXX	XXX	XXX	Report

Discharge limited to Raw Intake Screen Backwash Only.

Debris collected on the intake screens shall be collected and not discharged back to the river.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.026 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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.067 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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 005 are based on a design flow of 0.05 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	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0
Total Nitrogen	XXX	Report	XXX	Report	XXX	XXX
Total Phosphorus	XXX	Annual Avg. Report	XXX	Annual Avg. Report	XXX	XXX
		Annual Avg.		Annual Avg.		

The proposed effluent limits for Outfall 006 are based on a design flow of 0.0 MGD (emergency only).

<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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 007 are based on a design flow of 0.528 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
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.2

<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>	
Temperature (°F)	XXX	XXX	XXX	Report	Report	Report
Total PCBs	XXX	XXX	XXX	XXX	XXX	Report

Discharge limited to Raw Intake Screen Backwash Only.

Debris collected on the intake screens shall be collected and not discharged back to the river.

The proposed effluent limits for Outfall 008 are based on a design flow of 0.32 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
Temperature (°F)	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 Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
Total PCBs	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 901 (i.e., Outfall 009a) are based on a design flow of 0.021 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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfalls 009 (i.e., Outfall 009b), 010, 012 through 022 and 025 through 033 are based on a design flow of 0.0 MGD (Stormwater).

<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>	
pH (S.U.)	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 Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
Total PCBs	XXX	XXX	XXX	XXX	Report	XXX

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

- 316(a) Thermal Variance Condition
- 316(b) Cooling Water Intake Structure(s)
- Chemical Additives
- Stormwater Requirements
- Releases of Radioactive Material
- PCB Discharge Prohibition
- No Net Addition of Pollutants for Non-Contact Cooling Water
- Total Residual Minimization/Effective Disinfection

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

The EPA Waiver is not in effect.

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

PA0028487, Sewage, SIC Code 4900, 4952, **Hermitage Municipal Authority Mercer County**, 800 North Hermitage Road, Hermitage, PA 16148. Facility Name: Hermitage Municipal Authority STP. This existing facility is located in Hermitage City, **Mercer 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 is the Shenango River, located in State Water Plan watershed 20-A and 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 7.7 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	1,605	2,569	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,927	2,890	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Intensity (µw/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	706	XXX	XXX	11	XXX	22
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Antimony	XXX	XXX	XXX	0.044	0.050	0.090
Total Copper	XXX	XXX	XXX	0.020	0.030	0.040
Chlordane	XXX	XXX	XXX	0.00003	0.00005	0.00007

In addition, the permit contains the following major special conditions: Pretreatment, Storm Water, and Toxicity Reduction Evaluation

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.

PA0029122, Sewage, SIC Code 4952, **Saxonburg Area Authority**, 420 W Main Street, Saxonburg, PA 16056-9517. Facility Name: Saxonburg Area Authority STP. This existing facility is located in Jefferson Township, **Butler County**.

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

The receiving stream, Connoquenessing Creek, is located in State Water Plan watershed 20-C 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 2.05 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 ₅						
May 1 - Oct 31	256	427	XXX	15	25	30
Nov 1 - Apr 30	427	684	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids	513	769	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
UV Intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	77	XXX	XXX	4.5	XXX	9
Nov 1 - Apr 30	231	XXX	XXX	13.5	XXX	27
Total Phosphorus	34.2	XXX	XXX	2	XXX	4

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

- Annual Whole Effluent Toxicity Testing Requirement
- 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.

III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. WQG01621403, Sewage, **Albert Reist**, 2751 Scranton Hollow Road, Warren, PA 16365.

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

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

WQM Permit No. WQG01621404, Sewage, **Mary Mangione**, P. O. Box 604, Sheffield, PA 16347.

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

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

IV. NPDES Applications for Stormwater Discharges from MS4

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

PAI132218, MS4, **Hanover Township**, 3630 Jacksonville Road, Bethlehem, PA 18017.

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 Hanover Township, **Northampton County**. The receiving streams, Monocacy Creek, Unnamed Tributary to Catasauqua Creek and Unnamed Tributary to Monocacy Creek, are located in State Water Plan watershed 2-C and are classified for High Quality Waters—Cold Water Fishes, 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.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1514022	The Vanguard Group 1041 West Valley Road, 415 Wayne, PA 19087	Chester	Tredyffrin Township	Little Valley Creek EV
PAI01 1514024	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Chester	Charlestown Township	Valley Creek EV Pickering Creek HQ—TSF—MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 4612002-1	Montgomery County Montgomery County Courthouse P. O. Box 311 Norristown, PA 19401	Montgomery	Norristown Borough Plymouth Township	Schuylkill River Basin (Stony Creek to unnamed Tributary 00926) WWF—MF Diamond Run WWF—MF

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

Wayne County Conserve District, 648 Park Street, Honesdale PA 18431

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026414003	Zaremba Program Development, LLC 14600 Detroit Avenue Lakewood, OH 44107	Wayne	Waymart Borough	UNT Van Auken Creek (HQ-TSF, MF)

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI052614001	Verizon Wireless 18 Abele Road Bridgeville, PA 15017	Fayette	Dunbar Township	Morgan Run (HQ-CWF)

STATE CONSERVATION COMMISSION

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

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

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

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

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Stone Chimney Hollow Robert Gochenaur 3449 Delta Road Airville, PA 17302	York	120	534.12	Swine / Poultry	None	Renewal

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:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Pocono Manor Inn and Golf Resort, PO Box 38, Tobyhanna Township, **Monroe County**, Jeffery Mulligan, Ecol Sciences, Inc., has submitted a Notice of Intent to Remediate on behalf of his client, Jim Cahill, Pocono Manor Investors, LP, The Inn at Pocono Manor, PO Box 38, Pocono Manor, PA 18349, concerning the remediation of soil from PAH's, Arsenic and Lead due to historical operations at the site. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soil. The intended future use of the site is Non-residential. A Summary of the Notice of Intent to Remediate was published in *The Pocono Record* on May 13, 2014.

Young Property, 1462 E University Avenue, Lower Saucon Township, **Northampton County**, Jeremy Fox, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, had submitted a Notice of Intent to Remediate on behalf of his client, Arden Young, 1562 E University Avenue, Bethlehem, PA 18015, concerning the remediation of soil due to the release of an unknown volume of heating oil from a hole found in the bottom of an aboveground storage tank. The applicant proposes to remediate the site to meet the residential Statewide Health Standards for soil. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on May 23, 2014.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

PAD981737109. Safety-Kleen Systems, Inc., 600 Stewart Road, Wilkes-Barre, PA 18706. This application is for the 10-year renewal of the existing RCRA Part B Permit for a Hazardous Waste Treatment, Storage and Disposal facility located in Hanover Township, **Luzerne County**. The application was received by the Northeast Regional Office on June 12, 2014 and accepted as complete on June 17, 2014.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 101619. Joseph J. Brunner, Inc., 211 Brunner Road, Zelienople, PA 16063. Brunner Recycling Center, 2973 Duss Avenue, Ambridge, PA 15003. An application for the renewal of a permit to operate a municipal waste processing facility located in Harmony Township, **Beaver County**, was accepted in the Regional Office on June 18, 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 Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

04-00009: Beaver Falls Tubular Products, LLC (6051 Wallace Road Ext, Suite 200, Wexford PA 15090) to authorize the continued operation of their Beaver Falls iron and steel pipe and tube manufacturing plant located in Beaver Falls City, **Beaver County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Beaver Falls Tubular Products, LLC to authorize the continued operation of their Beaver Falls iron and steel pipe and tube manufacturing plant located in Beaver Falls City, Beaver County.

The facility consists of two boilers, two normalizer furnaces, a baf furnace, two sulfuric acid pickling tanks, a phosphoric preparation, a lubricant tank, rinse tanks, and other miscellaneous equipment associated with this type of operation. This facility has the potential to emit 1.15 ton per year of PM₁₀, 45.66 ton per year of NO_x and 1.11 ton per year of VOC. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

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, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to 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 comments, requests for a public hearing, and 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 04-00009) 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 Noor Nahar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, and 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Noor Nahar at 412-442-5225.

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

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

Permit No. 32090201 and NPDES No. PA0262854. Britt Energies, Inc., P. O. Box 515, Indiana, PA 15701, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Conemaugh Township, **Indiana County**, affecting 11.9 acres. Receiving streams: unnamed tributaries to/and Sulfur Run classified for the following use: cold water

fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 2, 2014.

Permit No. 56080109 and NPDES No. PA0262706. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving streams: unnamed tributaries to Wells Creek to Stonycreek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2014.

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

30010101 and NPDES Permit No. PA0202975. Patriot Mining Company, Inc. (2708 Cranberry Square, Morgantown, WV 26508). Revision application to construct a passive treatment system for continued treatment to an existing bituminous surface mine, located in Dunkard and Perry Townships, **Greene County**, affecting 336 acres. Receiving stream: Dooley Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 18, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17110106 and NPDES No. PA0257672. Black Cat Coal, LLC (107 W. First Ave., Clearfield, PA 16830). Revision to an existing bituminous surface and auger mine for an incidental boundary revision and modification to the NPDES permit located in Brady Township, **Clearfield County** affecting 116.0 acres. Receiving streams: Unnamed Tributaries to East Branch Mahoning Creek classified for High Quality Cold Water Fishes and Stump Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 16, 2014.

17663136 and NPDES PA0126870. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Permit renewal of an existing bituminous surface mine located in Graham Township, **Clearfield County** affecting 202 acres. Receiving streams: Mons Run and Flat Run classified as the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2014.

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

Permit No. 54773215R6. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an anthracite coal refuse reprocessing operation in Reilly and Frailey Townships, **Schuylkill County** affecting 46.4 acres, receiving stream: Middle Creek, classified for the following use: cold water fishes. Application received: June 6, 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*			

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08140301. Dalrymple Gravel & Contracting Company, Inc. (2105 South Broadway, Pine City, NY 14871). Commencement, operation and restoration of a large industrial sand and gravel mine located in Athens Township, **Bradford County** affecting 12.5 acres. NPDES permit PA0608874 associated with adjacent surface mine permit 08830301 will be modified to include this permit. Receiving stream(s): Chemung River classified as the following use(s): Warm Water Fishes and Migratory Fishes. Application received: June 9, 2014.

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

Permit No. 06980301C4 and NPDES Permit No. PA0223883. Highway Materials, Inc., (1750 Walton Road, Blue Bell, PA 19422), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Alsace Township, **Berks County** affecting 52.5 acres, receiving stream: unnamed tributary to Bernhart Creek, classified for the following use: warm water fishes. Application received: June 4, 2014.

Permit No. 64042803. Kevin Schrader, (PO Box 262, Lake Como, PA 18437), Stage I & II bond release of a quarry operation in Preston and Buckingham Townships, **Wayne County** affecting 5.0 acres on property owned by Nicholas Shursky. Application received: June 5, 2014.

Permit No. 67990301C3 and NPDES Permit No. PA0223999. Glen-Gery Corp., (PO Box 7001, Reading, PA 19610), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 40.0 acres, receiving stream: unnamed tributary to Fox Run, classified for the following uses: trout stock and migratory fishes. Application received: June 9, 2014.

Permit No. 58010831. Douglas P. Pasco, (2049 SR 2009, Hop Bottom, PA 18824), Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre on property owned by Joe Keeves. Application received: June 9, 2014.

Permit No. 58090811. Diaz Stone & Pallet, Inc., (7686 SR 167, Kingsley, PA 18826), Stage I & II bond release of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 4.0 acres on property owned by Adam Diaz. Application received: June 9, 2014.

Permit No. 7775SM4C5 and NPDES Permit No. PA0594563. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County** affecting 180.19 acres, receiving stream: unnamed tributary to Manatawny Creek, classified for the following use: cold water fishes. Application received: June 10, 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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

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

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0249254 (Mining Permit No. 11020202), Ebensburg Power Company, 2840 New Germany Road P. O. Box 845 Ebensburg, PA 15931-0845, renewal of an NPDES permit for coal refuse reprocessing and Circulating Fluidized Bed ash placement in Nanty Glo Borough, Jackson Township, **Cambria County**, affecting 41 acres. Receiving stream: Pergrin Run classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 2, 2014.

The outfall listed below discharge to Pergrin Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003 (Sediment Pond 3)	N

The proposed effluent limits for the above listed outfall during all precipitation conditions are as follows:

<i>Outfall: 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	N/A	N/A	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

Noncoal NPDES Draft Permits

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

NPDES No. PA0234991 (Mining Permit No. 56980301), Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of an NPDES permit for a large noncoal underground mine with surface mine activities in Elk Lick Township, **Somerset County**, affecting 223.2 acres. Receiving streams: unnamed tributary to/and Christner Run; unnamed tributary to Zechner Run, classified for the following use: High Quality Cold Water Fishery. This receiving stream is included in the Casselman River TMDL. Application received: February 14, 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 noncoal mining activities.

The outfalls listed below discharge to unnamed tributary to/and Christner Run; unnamed tributary to Zechner Run.

*The outfall (007) listed below uses non-discharge alternative technology.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond D/Mine Drainage	N
002—Sediment Pond A N	
003—Sediment Pond E	N
004—Sediment Trap T1	N
005—Sediment Pond F/Mine Drainage	N
006—Sediment Pond G/Mine Drainage	N
*007—Sediment Pond H/Infiltration Gallery (Non-Discharge Alternative)	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 005 and 006 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

<i>Outfalls: 002, 003 and 004 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Settleable Solids (ml/l)			0.5

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

*007 listed above utilizes non-discharge technology (infiltration gallery)

Waters entering the infiltration system serving facility 007 must meet the following instantaneous limitations:

<i>Parameter</i>	<i>Instant Maximum</i>	<i>Measurement Frequency</i>
Total Suspended Solids	90.0 mg/l	2/month
Oil and Grease	Monitor Only	Once/year

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33

U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900

E46-1106. Douglass Township, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370, Douglass Township, **Montgomery County**, ACOE Philadelphia District.

Within the floodplain of Minister Creek from the confluence of Little Oley Creek and Minister Creek, along Minister Creek to the Minister Creek Pump Station #1: To replace and maintain the sanitary sewer interceptor lines and manholes for 1,627 lineal feet through the floodway from sanitary manhole 166 at the confluence of Minister Creek and Little Oley Creek through sanitary manholes 276-280. Minister Creek Pump station #1 improvements include an addition to the pump station building, a new wet well, valve vault, and valve metering pit.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E67-912: Transcontinental Gas Pipe Line Company LLC, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, Lower Chanceford Township, **York County**, U.S. Army Corps Of Engineers, Baltimore District

To modify and maintain an existing gas line facility that will temporally impact 0.97 acre of wetlands within the Susquehanna River Watershed for the purpose of improving pipe line safety. The project is located east of River Road approximately 1.6 mile south of Route 372/ Holtwood Road (Holtwood, PA Quadrangle, Latitude: 39°47'51.2"N, Longitude: 76°18'26.0"W) in Lower Chanceford Township, York County.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E02-1697. PA Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Indiana Township, **Allegheny County**; ACOE Pittsburgh District

The applicant is requesting to do the following:

1. Relocate and reconstruct approximately 390' of unnamed tributary (UNT) 23 (CWF), approximately 159' of which is currently enclosed within an existing 30" CPP, as 344' of open watercourse;

2. To place and maintain fill in approximately 358' of UNT-23A (CWF) and 0.04 acre of PEM and PSS wetlands;

for the purposes of widening approximately 660' of the PA Turnpike (a.k.a. Interstate 70/76), replacing the bridge that carries State Route (SR) 1013 (a.k.a. Saxonburg Boulevard) over this portion of the PA Turnpike, and constructing associated stormwater management facilities. This project will also permanently affect approximately 80' of the right descending stream bank of Cedar Run (CWF), and will temporarily impact 8' of UNT-23 and 0.02 acre of wetlands. This project is one (1) of eight (8) subprojects of a larger project that will widen the PA Turnpike from mile post (MP) 39 to 47 (a.k.a. the PA Turnpike Commission 40-48 Reconstruction Project). This mainline reconstruction project will widen the PA Turnpike from four (4) lanes to six (6) lanes, and will widen the median. Some of the other subprojects have already received separate Water Obstruction and Encroachment Permits (WO&EP #E02-1651, #E02-1669, #E02-1681 and GP070211202); while additional applications for WO&EPs are anticipated for future subprojects that are associated with the larger mainline reconstruction project. The current subproject (a.k.a. the SR 1013/Saxonburg Boulevard bridge replacement over the PA Turnpike) is located at MP 43.13 of the PA Turnpike (USGS Quad: Glenshaw, PA; Latitude: 40° 35' 14"; Longitude: -79° 52' 45"), in Indiana Township, Allegheny County.

Southwest District Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh PA, 15222-4745

Permit # E30-07-007. This is an after-the-fact Joint Permit Application to address approximately 1,433 linear feet of stream impact (fill) as a result of a geotechnical failure of the Walter Stinger Well Pad 1in Aleppo Township, **Greene County**, Pittsburgh ACOE District, State Water Plan Basin 20E (Cameron, WV Quadrangle; Latitude: N 39° 48' 14.66"; Longitude: W -80° 30' 9.65"). The slide impacted a total of 7 unnamed tributaries to Harts Run (WWF) through direct fill from the slide. The applicant proposes to restore approximately 757 linear feet of these tributaries and create an additional 303 linear feet of streams onsite. That will leave approximately 373 linear feet of stream that will have fill permanently placed in them. The applicant will provide offsite mitigation at a 2:1 ratio along Harts Run (near the entrance to the Water Stinger Well Pad) for those remaining permanent impacts.

Permit # E02-07-001. CONSOL Gas Company, 280 Indian Springs Road, Suite 333, Indiana, PA 15701. To construct and maintain a 2,900 foot long access road to Allegheny County Airport Authority (ACAA) Well Pad 3, that will impact a total of 19 acres, in Findlay Township, **Allegheny County**, Pittsburgh ACOE District, State Water Plan Basin 20-G (Aliquippa, PA Quadrangle; Latitude: N 40.512967 Longitude: W -80.285120). The project will consist of 2 stream (unnamed tributaries to Raredon Run) and floodway and 1 wetland road crossings. A total of 206 linear feet of streams, 0.34 acre of floodway, and 0.05 acre of wetland will be permanently impacted and 0.19 acre of floodway will be temporarily impacted as a result of this project. Mitigation for CNX's entire ACAA Well Development will be included within this joint permit application. Mitigation will consist of 240 linear

feet of stream preservation, 720 linear feet of stream rehabilitation, 0.526 acre of wetland preservation, 0.014 acre of wetland creation, and 3.2 acres of riparian buffer preservation, within the Raccoon Creek Watershed.

[Permit # E02-07-002]. CONE Gathering LLC, 200 Evergreene Dr Waynesburg, PA 15370. To construct and maintain 20,980 feet of 16-inch natural gas pipeline, 20,980 feet of 16-inch waterline, and 20,981 feet of another 16-inch waterline to connect CNX's ACAA Well

Pad 3 to Pipeline Nos. 2 and 4, and eventually to an off-airport pipeline in Findlay Township, **Allegheny County**, Pittsburgh ACOE District, State Water Plan Basin 20-G (Aliquippa, PA Quadrangle). The project will consist of 21 utility line/temporary road crossings of streams and 9 wetlands. A total of 6,962 square feet acres of wetland and 8,685 square feet of numerous named and unnamed tributaries to Montour Run (TSF) and Raredon Run (WWF) will be temporarily impacted.

<i>Wetland Name</i>	<i>Coordinates</i>	<i>Proposed Linear Impact</i>
Wetland 121	40° 29' 1.08" 80° 16' 11.94"	64 ft.
Wetland 118B	40° 29' 1.58" 80° 16' 13.13"	25 ft.
Wetland 118	40° 29' 17.66" 80° 16' 25.98"	0.003 acre
Wetland 117	40° 29' 18.43" 80° 16' 25.86"	0.029 acre
Wetland 114	40° 29' 29.36" 80° 16' 28.94"	75 ft.
Wetland 303	40° 29' 32.25" 80° 16' 35.86"	123 ft.
Wetland 109	40° 30' 6.61" 80° 17' 7.00"	25 ft.
Wetland 108A	40° 30' 12.97" 80° 17' 2.87"	0.001 acre
Wetland 107B	40° 30' 26.51" 80° 16' 58.93"	0.012 acre
<i>Stream Name</i>	<i>Coordinates</i>	<i>Proposed Linear Impact</i>
UNT to Montour Run	40° 28' 23.32" 80° 15' 9.03"	51 ft.
UNT to Montour Run	40° 28' 35.72" 80° 15' 19.64"	50 ft.
UNT to Montour Run	40° 28' 43.82" 80° 15' 31.85"	22 ft.
UNT to Montour Run	40° 28' 46.72" 80° 15' 37.43"	52 ft.
Tributary 36718 to Montour Run	40° 28' 51.74" 80° 15' 45.11"	55 ft.
UNT to Montour Run	40° 28' 59.81" 80° 16' 8.96"	100 ft.
Tributary 36720 to Montour Run	40° 29' 1.08" 80° 16' 11.94"	120 ft.
Tributary to Montour Run	40° 29' 1.42" 80° 16' 12.74"	119 ft.
Tributary to Montour Run	40° 29' 17.22" 80° 16' 26.59"	53 ft.
Tributary 36710 to Montour Run	40° 29' 17.71" 80° 16' 26.30"	47 ft.
Tributary to Montour Run	40° 29' 25.35" 80° 16' 26.33"	24 ft.
Tributary to Montour Run	40° 29' 28.9" 80° 16' 28.64"	20 ft.
Tributary 36710 to Montour Run	40° 29' 35.25" 80° 16' 35.86"	207 ft.
Tributary to Montour Run	40° 29' 42.16" 80° 16' 50.12"	52 ft.

<i>Stream Name</i>	<i>Coordinates</i>	<i>Proposed Linear Impact</i>
Tributary to Montour Run	40° 29' 42.37" 80° 17' 4.53"	71 ft.
Tributary to Raredon Run	40° 29' 59.09" 80° 17' 11.88"	170 ft.
Tributary 33655 to Raredon Run	40° 30' 6.61" 80° 17' 7.00"	123 ft.
Tributary to Raredon Run	40° 30' 12.97" 80° 17' 2.87"	57 ft.
Raredon Run	40° 30' 26.51" 80° 16' 58.93"	64 ft.

DAM SAFETY

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

D52-181. Wild Acres Lakes Property Owners Association (RR 1 Box 500). To modify, operate, and maintain South Pond Dam across a tributary to Hornbecks Creek (HQ-CWF, MF), having 0.01 acre of permanent impact to wetlands, for the purpose of complying with the Commonwealth's regulations. (Lake Maskenozha, PA Quadrangle Latitude: 41.205°; Longitude: -74.946°) in Delaware Township, **Pike County**.

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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0070190 (Sew)	Allegheny East Conference PO Box 266 Pine Forge, PA 19548	Berks County Douglass Township	Manatawny Creek / 3-D	Y
PA0086550 (Sew)	Jeffrey & Rose Siddens 65 Stonewall Lane Alburtis, PA 18011-2608	Berks County Longswamp Township	UNT to Swabia Creek / 2-C	Y
PAS803504 (Stormwater)	UPS Freight 1821 South 19th Street Harrisburg, PA 17104	Cumberland County Hampden Township	UNT to Trindle Spring Run / 7-B	Y
PA0021075 (Sew)	Borough of Myerstown 101 E Washington Avenue Myerstown, PA 17067-1142	Lebanon County Jackson Township	Tulpehocken Creek / 3-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0000701 (Sewage)	PFV Enterprises Whse 225015 Titusville Road Titusville, PA 16354	Venango County Oilcreek Township	Unnamed tributary of Pine Creek (16-E)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0063606, Industrial Waste, SIC Code 4911, **NRG REMA LLC**, 121 Champion Way, Suite 300, Canonsburg, PA 15317.

This existing facility is located in Bangor Borough, **Northampton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of industrial wastewater.

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

NPDES Permit No. PA0080004, Sewage, **Hartman Snack Group Inc.**, 6647 Molly Pitcher Highway South, Chambersburg, PA 17202.

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

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Conococheague Creek in Watershed 13-C.

NPDES Permit No. PA0265870, Industrial Waste, **Rolling Frito-Lay Sales LP**, 7075 Samuel Morris Drive, Suite 240, Columbia, MD 21046.

This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Sandy Run in Watershed 11-A.

NPDES Permit No. PA0265888, Industrial Stormwater, **Kovalchick Corporation**, PO Box 279, Indiana, PA 15701.

This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Kishacoquillas Creek in Watershed 12-A.

NPDES Permit No. PA0262188, CAFO, **Henry M. Hershey, Henry Hershey Farm**, 135 Herr Drive, Peach Bottom, PA 17563.

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

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a Dairy, Cow / Heifer / Calves and Poultry operation with 391.22 AEU's in Watershed 7-K.

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

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

WQM Permit No. 2814402, Sewerage, **Hartman Snack Group Inc.**, 6647 Molly Pitcher Highway South, Chambersburg, PA 17202.

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

Description of Proposed Action/Activity: Permit number change from an industrial waste permit to a sewage permit approving the operation of sewage facilities consisting of an existing surge / dosing tank, two septic tanks with Zabel filter, two Ecoflo peat filters, tablet chlorinator, chlorine contact tank and tablet dechlorinator.

WQM Permit No. 0613405, Sewerage, **Ethan Michael Inc.**, 2034 East Main Street, Douglassville, PA 19518-9127.
This proposed facility is located in Union Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of a duplex pumping station (PS-1), a single 8,770 gallon septic tank, a single 4,500 gallon EQ Tank, a simplex pumping station (PS-2), a single 17,080 gallon SBR, a 58,500 ft² drip field composed of twelve 4,875 ft² drip zones.

WQM Permit No. 2889426 Amendment A-0, Sewerage, **Whitetail Mountain Operations Corp.**, 13805 Blairs Valley Road, Mercersburg, PA 17236.

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

Description of Proposed Action/Activity: Permit amendment approving the construction of sewage facilities consisting of a treated effluent spray irrigation system designed to handle new sewage flows of 17,418 gpd.

WQM Permit No. 0713401 A-1, Sewerage, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601.

This proposed facility is located in Altoona City, **Blair County**.

Description of Proposed Action/Activity: Permit amendment transfer approving of the construction of a new Diversion Chamber, 266' of 24" gravity sanitary sewer and a pump station off Valley View Road near Health South Building.

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

WQM Permit No. WQG01251407, Sewage, **Jason Burke**, 8531 Remington Road, North East, PA 16428.

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

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

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014613008	Ambler Crossings Development Partners, L.P. 201 South Maple Avenue, Suite 100 Ambler, PA 19002	Montgomery	Ambler Borough	Wissahickon Creek TSF—MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305005R	Bryan Baumgartner R.R. #4, Box 4290 Kunkletown, PA 18058	Carbon County	Towamensing Township	Wild Creek (EV,MF) UNT to Beltzville Lake (HQ-CWF, MF)
PAI024013006	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Luzerne County	Dorrance Township	Balliett 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030514002 Issued	Centerville Area Municipal Authority 1030 Dark Hollow Road Bedford, PA 15522	Bedford	Cumberland Valley Township	UNT Evitts 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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Makefield Township Bucks County	PAG0200 0914026	Zaveta Custom Homes 4030 Skyron Drive, Suite H Doylestown, PA 18902	Houghs Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAG0200 0914035	Diakon Lutheran Social Ministries 1018 North Union Street Middletown, PA 17057	Unnamed Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0905014R	Carriage Hill, JV, LLC 124 Cedar Avenue Conshohocken, PA 19428	Unnamed Tributary to North Branch Neshaminy Creek WWF—MF Pine Run TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG0200 0914001(1)	County Builders 76 Griffiths Miles Circle Warminster, PA 18974	Core Creek CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 0914006(1)	Pine Valley Crossing Associates, L.P. 1030 Reed Avenue, Suite 100 Wyomissing, PA 19610	Pine Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Borough Bucks County	PAG0200 0914037	Borough, LLC 202 Black Matt Road Douglasville, PA 19518	Cooks Run WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4614009	Mikelen, LLC P. O. Box 243 2695 W. Germantown Pike Fairview Village, PA 19409	West Brank Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4613084	Chic Fil A 5200 Buffington Road Atlanta, GA 30349	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Gwynedd Township Montgomery County	PAG0200 4610089R	Donald E. Dion, Jr. 937 Morris Road Landsdale, PA 19446	Tributary to Towamencin Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4614026	Southfields Farm LLC 6208 Sheaff Lane Ft. Washington, PA 19034	Unnamed Tributary to Skippack Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5108037R	City of Philadelphia Municipal Services Building Room 830 1401 John F. Kennedy Boulevard Philadelphia, PA 19102	Frankford Creek WWF	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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Stroudsburg Borough Monroe County	PAG02004512003R	East Stroudsburg University University Properties, Inc. 200 Prospect Street East Stroudsburg, PA 18301	Brodhead Creek (HQ-CWF, MF)	Monroe County Conservation District 570-629-3060

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Oxford Township Adams County	PAG02000114003 Issued	Oxford Township PO Box 36 780 Hanover Street New Oxford, PA 17350	UNT to South Branch of Conewago Creek/ WWF	Adams County Conservation District 670 Old Harrisburg Road., Suite 201 Gettysburg, PA 17325 717.334.0636
Colerain Township Lancaster County	PAG02003614049 Issued	Roland F Miller 130 Good Hope Rd Landenberg PA 19350	Coopers Run/ TSF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
York Township York County	PAG02006714028 Issued	Dallastown Area School District 700 New School Lane Dallastown, PA 17313	Inners Creek / CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Fairview Township York County	PAG02006713038 Issued	Defense Distribution Center Susquehanna DS-FSE 5750 3rd Street Building 750 New Cumberland, PA 17070-4439	Marsh Run / WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Shrewsbury Township & Shrewsbury Borough York County	PAG02006711028-1 Issued	Heathcote Glen II LP Joelle Pignon & Phil Robinson 18147 Amanda Drive New Freedom, PA 17349	Trout Run / WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Peach Bottom Township York County	PAG02006712006R Issued	Ron Leubecker Lands of LDR LLC 6715 Quad Avenue Baltimore, MD 21237	Scotts Creek / TSF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Fairview Township York County	PAG02006714013 Issued	UGI Utilities Inc. 1301 AIP Drive Middletown, PA 17058	Marsh Run / WWF, MF; Susquehanna River / WWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Dover Township York County	PAG02006705112R Issued	KPH Donwood LLC 6259 Reynolds Mill Road Seven Valleys, PA 17360	UNT to Fox Run / TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Lower Windsor Township York County	PAG02006712030R Issued	Landmark Builders Inc. 1656 West Main Street Ephrata, PA 17522	UNT to Canadochly Creek / WWF & Klines Run / WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
West Manchester Township York County	PAG02006714020 Issued	Next 5, LLC 2159 White Street Suite 3 Box 301 York, PA 17404	Codorus Creek / WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Center Township Beaver County	PAG02000414005	Lodging Construction 506 S. Wilson Street Aberdeen, SD 57402	Ohio River (WWF-N)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Richland Township Cambria County	PAG02001114007	Forrest Spangler 146 McCaffrey Lane Johnstown, PA 15905	UNT to Brubaker Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
White Township Indiana County	PAG02003214004	S&T Bank 355 N. 5th Street Indiana, PA 15701	McCarthy Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Elk Lick Township Somerset County	PAG02005613012	Countryside Produce, LLC 1695 Savage Rd Salisbury, PA 15558	Tub Mill Run (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15301 (814) 445-4652
Paint Township Somerset County	PAG02005614005	Iron Horse Sports, LLC 302 Unity Plaza Latrobe, PA 15650	Seese Run (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15301 (814) 445-4652

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
North Strabane Township Washington County	PAG02006307031R	Maronda Homes, Inc. 1383 State Route 30 Clinton, PA 15026	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006312016R	Ted Taylor Builders 608 East McMurray Road Suite 101 McMurray, PA 15317	UNT to Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
North Franklin Township Washington County	PAG02006314012	Eugene Raggi 770 West Chestnut Street Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township Washington County	PAG02006314017	Fairfield Southpointe, LP 102 Cecil Henderson Road Canonsburg, PA 15317	McPherson Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mercer Borough Mercer County	PAR608332	John A. Carter d/b/a Mercer Auto Wreckers 748 Wilson Avenue Mercer, PA 16137	Unnamed Tributary to the Cool Spring Creek 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North East Township Erie County	PAG041160	Jason Burke 8531 Remington Road, North East, PA 16428	Unnamed Tributary to Lake Erie 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-10**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water / Use**Contact Office & Phone No.*Auburn Township
Susquehanna County

PAG102314

Williams Field Services
Company, LLC
(Anderson Dehydration Facility)
310 State Route 29 North
Tunkhannock, PA 18657-6817Unnamed Tributary
to Dority Creek—4-GDEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511**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**

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

Permit No. 4614501, Public Water Supply.
Applicant **Superior Water Company**
P. O. Box 525
Gilbertsville, PA 19525
Township New Hanover
County **Montgomery**
Type of Facility PWS

Consulting Engineer Castle Valley Consultants, Inc.
83 Chestnut Road
P. O. Box 447
Paoli, PA 19301
Permit to Construct Issued May 12, 2014

Permit No. 0913523, Public Water Supply.
Applicant **Aqua Pennsylvania, Inc.**
762 West Lancaster Avenue
Bryn Mawr, PA 19010
Township Bristol
County **Bucks**
Type of Facility PWS
Consulting Engineer GHD
1240 North Mountain Road
Harrisburg, PA 17112
Permit to Construct Issued June 17, 2014

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. 3914502, Public Water Supply.
Applicant **City of Allentown**
641 S. 10th St., 3rd Floor
Allentown, Pa 18103-3173
[Borough or Township] City of Allentown
County **Lehigh**
Type of Facility PWS
Consulting Engineer Phillip M. DePoe, P.E.
Lehigh County Authority
1053 Spruce St.
P. O. Box 3348
Allentown, Pa 18106
Permit to Construct Issued June 19, 2014

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

Operation Permit issued to **Arthur Savitz d/b/a Star Route Estates**, PWSID No. 6200040, East Mead Township, **Crawford County**. Permit Number 2013506 issued June 17, 2014 for the operation of the Star Route Estates Public Water Supply. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 13, 2014.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Hotel Traylor, LLC, 1444 West Hamilton Street, City of Allentown, **Lehigh County**, Jeffrey Walsh, Penn Environmental & Remediation, Inc., has submitted an NIR, RIR and Final Report on behalf of his clients, Jim Baiman and David Bodnar, Hotel Traylor, LLC, 1444 W. Hamilton St., Allentown, PA 18102, concerning the remediation of soil due to historical operations at the site. Contaminants include: Anthracene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Cumene, Ethyl Benzene, Fluorene, MTBE, Phenanthrene,

Pyrene, Trimethyl Benzene 1,3,4, Trimethyl Benzene 1,3,5, Naphthalene and Benzo(a)pyrene.

The applicant proposes to remediate the site to meet the Statewide Health Standard and the Site Specific Standard for soil. The intended use of the site will be for residential purposes. A summary of the Notice of Intent to Remediate, RIR (Remedial Investigation Report) and Final Report were published in *The Morning Call* on June 8, 2014.

Easton Hospital, 250 South 21st Street, Wilson Borough, **Northampton County**, Dave Fife, Quad3 Group Inc., has submitted a Final Report on behalf of his client, Terri Martis, 250 South 21st Street, Easton, PA 18042 concerning the remediation of soil and groundwater due to an unknown quantity of fuel oil leaked from cracked piping into the soil from the 1,000 gallon AST (aboveground storage tank). The applicant proposes to remediate the site to meet the Statewide Health Standards for soil and groundwater. The intended future use of the site will remain a staging area for the emergency generator. A summary of the Final Report was published in *The Morning Call* on March 5, 2014.

Walsh Residence, 1700 North Delaware Drive, Forks Township, **Northampton County**, Mark Ellis, MEA, Inc., has submitted an NIR and Final Report on behalf of his client, Matt Walsh, 19 Bridge St, Chatham, NJ 07928, concerning the remediation of soil due to a fuel oil spill discharged from the delivery truck hose as it was being wound. The applicant proposes to remediate the soil to meet the Residential Statewide Health Standards for soil. The intended use of the site is residential. A summary of the NIR and Final Report was published in *The Express Times*, on April 10, 2014.

Lockheed Martin Missiles and Fire Control, 459 Kennedy Drive, Archbald Borough, **Lackawanna County**, Sonya Ward, H2M Associates, Inc., has submitted an RIR (Remedial Investigation Report), RAR (Risk Assessment Report) and a Final Report, (on behalf of her client, Mr. Timothy Seechock, Facilities-ESH Manager, Lockheed Martin Corporation, 459 Kennedy Drive, Archbald, PA 18403), concerning the remediation of chlorinated compounds (trichloroethene, 1,1,1-trichloroethane, 1,1-dichloroethane, and tetrachloroethene in soil and trichloroethene, 1,1-dichloroethene and vinyl chloride in groundwater) at the property location cited above as a result due to historical operations. The applicant proposes to remediate the site to meet the Non-Residential Site Specific Standard for soils and Statewide Health for soil and groundwater. A summary of the RIR, RAR and Final Report was published in *The Scranton Times* on March 19, 2014.

555 Union Boulevard-buildings 4 & 5, 555 Union Blvd, City of Allentown, **Lehigh County**, William Ahlert, HDR Engineering Inc., has submitted a Notice of Intent to Remediate and a Final Report on behalf of his client Mr. Sam Brill, 555 Union Blvd LLP, concerning the remediation of soil due to the presence of VOC's and metal from historical operations at the site. The applicant proposes to remediate the site to meet the Statewide Health Standards for soil. The intended future use will be converted in to a school. A summary of the NIR and Final Report was published in *The Morning Call* on May 31, 2014.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

CVS Store 1654, 1700-1720 North George Street, York, PA 17404, Manchester Township, **York County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of JC Bar Properties, Inc., 415

Fallowfield Road, Suite 301, Camp Hill, PA 27022, submitted a Final Report concerning the remediation of site soils contaminated with heating oil from an underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 18, 2014.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.

General Permit No. WMGR123SW015. Range Resources—Appalachia, LLC, Bare Tank Site, Bavington Road, Burgettstown, PA 15021. Processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture and oil or gas well at the Bare Tank Site in Smith Township, **Washington County**. The permit was issued by the Regional Office on June 19, 2014.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

Permit No. 32990110 and NPDES No. PA0235164. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, revision of an existing bituminous surface and auger mine to change the land use from Forestland and Unmanaged Natural Habitat to Unmanaged Natural Habitat, Industrial/Commercial, Wildlife Habitat and Pastureland in Young Township, **Indiana County**, affecting 41.3 acres. Receiving streams: unnamed tributary to/and Harpers Run, Blacklegs Creek and Kiskiminetas River classified for the following uses: cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 27, 2014. Permit Issued: June 4, 2014.

Permit No. 56813006 and NPDES No. PA0125466, PBS Coals, Inc., P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 285.9 acres. Receiving streams: unnamed tributaries to/and Clear Run and to Boone Run classified for the following use: cold water fisheries. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: October 2, 2013. Permit Issued: June 5, 2014.

Permit No. 56890101 and NPDES No. PA0598364. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and coal refuse disposal mine in Brothersvalley Township, **Somerset County**, affecting 226.6 acres. Receiving streams: unnamed tributary 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: March 3, 2014. Permit Issued: June 5, 2014.

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

26130101 and NPDES Permit No. PA0252301. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit issued for commencement, operation, and reclamation of a bituminous surface mine, located in Franklin Township, **Fayette County**, affecting 55.5 acres. Receiving stream: unnamed tributary to Bolden Run. Application received: July 3, 2013. Permit issued: June 13, 2014.

26100104 and NPDES Permit No. PA0252158. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit revision issued for land use change from some of the affected area from forestland to pastureland and/or land occasionally cut for hay, and some of the affected area from pastureland and/or land occasionally cut for hay to forestland to an existing bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 100.6 acres. Receiving streams: unnamed tributaries to Mill Run and Mill Run. Application received: March 14, 2014. Permit issued: June 19, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

GFCC No. 17-10-02 and NPDES PA0257737. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), Mine No. 34 Operation, Lawrence Township, Clearfield County (Wolf Run—Upper West Branch Watershed): A no-cost construction contract has been awarded to RES Coal, LLC that will result in the reclamation of approximately 9.4 acres of abandoned mine land, the reclamation of 1,220-feet of abandoned highwall and the recovery of approximately 40,100 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area. A total of at least 14,670 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$310,000 which will be done at no cost to the Commonwealth. The site is located approximately 1/4 mile west of SR 879 adjacent to Interstate 80 on lands formerly mined and subsequently abandoned by

Shawville Coal Company in the late 1950's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site. Application received: April 22, 2011. Permit issued: June 16, 2014.

Noncoal Permits Issued

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

37080303. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Revision to an existing large industrial mineral mine to add 0.6 acres in Scott & Plain Grove Townships, **Lawrence County**, affecting a total of 71.6 acres. Receiving streams: Unnamed tributary to Taylor Run and Taylor Run. Application received: January 21, 2014. Permit Issued: June 12, 2014.

24589-37080303-E-1. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Application for a stream encroachment to construct and maintain the conveyor stream crossing over Taylor Run in Scott & Plain Grove Townships, **Lawrence County**. Receiving streams: Unnamed tributary to Taylor Run and Taylor Run. Application received: January 21, 2014. Permit Issued: June 12, 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

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

20144001. Hal D. Lilley (8323 Oxbow Road, North East, PA 16428) Blasting Activity Permit for silo demolition in East Fairfield Township, **Crawford County**. This blasting activity permit expires April 16, 2015. Permit Issued: June 18, 2014.

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

Permit No. 15414107. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for The Preserves at Hide A Way Farm in West Brandywine Township, **Chester County** with an expiration date of June 13, 2015. Permit issued: June 17, 2014.

Permit No. 38144106. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Greystone Crossings in North Cornwall and Lebanon Townships, **Lebanon County** with an expiration date of June 30, 2015. Permit issued: June 17, 2014.

Permit No. 64144001. Northeast Blasting, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for Patrisso house foundation in Damascus Township, **Wayne County** with an expiration date of May 27, 2015. Permit issued: June 18, 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:

DAM SAFETY

Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit # 95-7-37312-14A, Mor9SH Centralized Impoundment. CNX Gas Company LLC, 200 Evergreene Dr., Waynesburg, PA 15370.

CNX Gas Company LLC proposes a project to amend the location of the currently existing pump building to operate and maintain the approved Mor9SH Centralized Pit as a centralized impoundment to collect and store 4.33 MG fracturing fluids from the NV-34R-HS Well Site (Permit # 125-27170), NV-60D~H and J Well Site (Permit # 125-27071, 27080, 27078, 27079, 27081, 27082), NV-60L~N Well Sites (Permit # 125-27255, 27256, 27257), GH-56A~C Well Sites (Permit #059-26331, 26332, 26214), and future wells in the area.

PA Quadrangle; Rogersville, Latitude: N 39° 58' 50.15", Longitude: W 80° 21' 37.83", in Morris Township, **Greene County**. ACOE: Pittsburgh District

State Water Plan Subbasin 20-E, Wheeling—Buffalo Creeks Watershed (WWF).

[Pa.B. Doc. No. 14-1394. Filed for public inspection July 3, 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. 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 Document—Minor Revisions

DEP ID: Refer to the list as follows. *Title:* Refer to the list as follows. *Description:* These Technical Guidance Documents relate to various activities in the Bureau of Mining Programs, specifically coal mining, industrial mineral mining and explosives storage, handling and use. As a result of the reorganization of the Department, the Bureau of Mining and Reclamation name was changed to the Bureau of Mining Programs. These Technical Guidance Documents were updated to change the bureau name throughout each document. References to other bureaus and divisions within the Department whose names have changed were also made. In addition, references to forms were updated to reflect the new bureau name. The location on the Department's web site for these documents has also been updated.

Contact: Questions regarding this action should be directed to William Allen at (717) 787-5103 or wallen@pa.gov.

Effective Date: July 5, 2014

<i>Document Number</i>	<i>Title</i>
562-2000-703	Changes to Licenses, Bonds & Permits
562-2000-705	Mining Contract Operator Approval
562-3000-102	Coal & Industrial Mineral Mining Inspections

<i>Document Number</i>	<i>Title</i>	<i>Document Number</i>	<i>Title</i>
562-4000-102	Increased Operation & Maintenance Costs of Replacement Water Supplies (on All Coal & Surface Noncoal Sites)	562-2500-702	Insurance Requirements and Water Supply Replacement Assurance
563-2000-610	Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars	562-2504-312	Surety Reclamation of Bond Forfeiture Sites
563-2000-655	Surface Water Protection—Underground Bituminous Coal Mining Operations	562-3000-105	Field Evaluations of Pit Size Variances
563-2112-101	Aboveground Storage Tanks on Coal Mine Permit Areas	562-3000-110	Applicant Violator System (AVS) Inspections
563-2504-002	Land Maintenance Financial Guarantees	562-3000-802	Coal Mining Applicant Violator System (AVS) Compliance Manual
563-2504-201	Blanket Bond Program for Coal Surface Mine Sites	562-3200-203	Fixing Water Samples
560-0700-302	Review of Surface Mine Permit Applications by the Pennsylvania Fish and Boat Commission	562-3200-205	Normal/Favorable Planting Season
560-0700-303	Review of Surface Mine Permit Applications by the Pennsylvania Game Commission	562-3900-402	Citizens' Requests: Receiving, Tracking, Investigating, Appealing, and Filing
560-5000-001	Mine Drainage Treatment Trust Real Property Disposition Guidelines	562-4000-101	Water Supply Replacement and Compliance
561-2305-201	Small Operator Assistance Program (SOAP) and Remining Operator's Assistance Program (ROAP) Application Processing and Preassignment Field Conference	562-4100-301	Compliance/Enforcement Procedures
561-2305-203	Small Operator Assistance Program (SOAP) and Remining Operator's Assistance Program (ROAP) Report Review	562-4100-307	Alternative Enforcement
561-2305-601	Small Operator Assistance Program (SOAP) and Remining Operator's Assistance Program (ROAP) Applicant Liability and Reimbursement Procedure	562-4100-311	Explosives Program Compliance/Enforcement Procedures
561-5300-101	Insurance Sales Guidance	562-4170-308	Bond Forfeiture
561-5300-201	Damage Claim Processing	562-4180-101	Noncoal Civil Penalty Assessments
562-2000-001	Environmental Good Samaritan Projects	562-4180-102	Noncoal Compliance/Enforcement Procedures
562-2100-001	Blasting Activity Permits and Permits-by-Rule	562-4180-306	Civil Penalty Assessments
562-2100-002	Alternative Peak Particle Velocity or Airblast Level	562-4180-309	Reclamation in Lieu of Cash Payment for Civil Penalties
562-2100-704	Municipal Mining Licenses, Permits, and Bonds	562-4180-310	Bankrupt Surety Company Bond Replacement Requirements and Civil Penalty Calculations
562-2112-315	Prompt Closure of Abandoned Underground Mine Openings	562-4180-311	Civil Penalty Collections
562-2112-316	Sealing Bituminous Underground Mine Openings	563-0300-101	Engineering Manual for Mining Operations
562-2112-317	Sealing Anthracite Underground Mine Openings	563-2000-001	Government-Financed Construction Contracts
562-2112-503	Blasting Near Utility Lines on Mining and Construction Sites and Bituminous Coal Mining Within the Right-of-Way or Easement of Utility Lines	563-2000-003	Incidental Coal Extraction for Government-Financed Construction Projects or Government-Financed Reclamation Projects
562-2112-504	Blasting Complaint Protocol	563-2000-102	Coal Exploration
562-2402-501	Blaster's License Suspension & Revocation Procedure	563-2000-203	Noncoal Underground Mine Permit Applications
		563-2000-204	Homeowner Notification of Right to Pre-Blast Survey
		563-2000-208	Right of Entry
		563-2000-223	Review Process for Approval of a Bituminous Coal Blast Plan
		563-2000-602	Beneficial Use of Sewage Sludge at Active Mine Sites
		563-2000-609	Roads Associated with Coal Mining Activities
		563-2100-216	Permit Renewals
		563-2111-101	Noncommercial Exemption from Requirements of the Noncoal SMCRA

<i>Document Number</i>	<i>Title</i>	<i>Document Number</i>	<i>Title</i>
563-2111-102	Building Construction Exemption from Requirements of the Noncoal SMCRA	563-2112-657	Underground Mining—Delineating Protection Zones for Public Water Supplies
563-2111-111	Stabilizing Pre-Act Highwalls, Noncoal Operations	563-2112-658	Imminent Hazards Associated with Subsidence from Active Mining
563-2111-112	Highwall Stability In Long-Term, Multiple Bench Quarries	563-2113-660	Coal Refuse Disposal—Site Selection
563-2111-115	Borrow Pits for Oil and Gas Well Development Activities	563-2500-401	Noncoal Surface Mining Payment in Lieu of Bond
563-2112-203	Boundary Changes to Mining Permits	563-2504-405	Anthracite Mine Operator's Emergency Bond Loan (A.E.B.L.) Program
563-2112-205	Review Guide and Written Findings	563-2504-101	Procedures for calculating mine subsidence bonds
563-2112-211	Completeness Review for Acceptance of Coal Mining Activity Permit Applications	563-2504-407	Bonding Direct-Submittal of Bonds
563-2112-212	Evaluation and Approval of Land Use Changes for Surface Coal Mine Operations	563-2504-409	Phased Deposit of Collateral Coal and Noncoal Mining
563-2112-214	Coal Surface Mining Activity Permit Pre-Application Review	563-2504-411	Processing Completion Reports
563-2112-215	Review of Accepted Coal Mining Activity Permit Applications	563-2504-412	Evaluating Postmining Discharges
563-2112-217	Alkaline Addition for Surface Coal Mines	563-2504-451	Bonding, Anthracite Underground Mines
563-2112-218	Permits Transfers	563-2504-501	Qualifying, Processing, and Tracking Financial Guarantees and Bond Credits
563-2112-219	Cumulative Hydrologic Impact Assessments (CHIAs)	563-2504-612	Monitoring, Compliance and Bond Release for Subchapter F or G Permits
563-2112-222	Coal Surface Mining—Oil and Gas Well Barriers		E. CHRISTOPHER ABRUZZO, <i>Secretary</i>
563-2112-603	Evaluation and Approval of Innovative Mining and Reclamation Techniques		[Pa.B. Doc. No. 14-1395. Filed for public inspection July 3, 2014, 9:00 a.m.]
563-2112-604	Auger Mining		
563-2112-605	Water Supply Replacement and Permitting		
563-2112-606	Procedures for Establishing the Quantity of Water in Low-Yield Wells		
563-2112-607	Marketing of Anthracite Coal Reject Materials		
563-2112-608	Constructed Wetlands for Mine Drainage Treatment		
563-2112-610	Determining Eligibility of Pre-existing Pollutational Discharges under Subchapter F of 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88		
563-2112-611	Permitting Pre-existing Pollutational Discharges under Subchapter F of 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88		
563-2112-652	Underground Mining Near Oil and Gas Wells		
563-2112-653	Permitting Ventilation Boreholes for Underground Coal Mines		
563-2112-654	Technical Review, Mine Stability		
563-2112-656	Liners—Impoundments, Stockpiles, and Coal Refuse Disposal Areas		

Cleanup Standards Scientific Advisory Board Meeting

A Cleanup Standards Scientific Advisory Board meeting has been scheduled for July 24, 2014, at 9 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting can be directed to Troy Conrad, Environmental Cleanup and Brownfields, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816, tconrad@pa.gov. The agenda and meeting materials for the July 24, 2014, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1396. Filed for public inspection July 3, 2014, 9:00 a.m.]

Pennsylvania Alternative Fuel Incentive Grant Program; Availability of Rebates

The Department of Environmental Protection (Department) announces the continued availability of grants to Commonwealth residents under the Pennsylvania Alternative Fuel Vehicle Rebate Program (program). The program, administered by the Department through the program, provides rebates to Commonwealth residents to assist individuals with the incremental costs of purchasing an alternative fuel vehicle.

To qualify for the rebate, the alternative fuel vehicle must be registered in this Commonwealth and be operated primarily within this Commonwealth. The rebate will be offered on a first-come, first-served basis in the order in which requests are received. Rebate request forms and required documentation must be submitted to the Department no later than 6 months after the vehicle is purchased.

The following rebates are offered:

- \$2,000 rebate for a plug-in hybrid electric vehicle (PHEV) (battery system capacity equal/greater than 10 kWh) or battery electric vehicle (EV) (battery system capacity equal/greater than 10 kWh); does not include electric motorcycle, scooter, ATV or low speed electric vehicle.
- \$1,000 rebate for a PHEV or EV (battery system capacity less than 10 kWh); does not include electric motorcycle, scooter, ATV or low speed electric vehicle.
- \$1,000 rebate for a natural gas fueled vehicle; OEM/certified retrofit only.
- \$1,000 rebate for a propane fueled vehicle; OEM/certified retrofit only.
- \$1,000 rebate for a hydrogen or fuel cell vehicle, or both.
- \$500 rebate for an electric motorcycle, scooter, ATV or other low speed electric vehicle if registered in this Commonwealth.

There are a limited number of rebates left at \$2,000. The rebate program offered will be reassessed upon payment of the first 500 rebates at \$2,000 or December 31, 2014, whichever occurs first. The Department encourages interested applicants to visit the web site for rebate forms and an up-to-date listing of rebate availability at www.dep.state.pa.us (DEP keyword: Alternative Fuel Vehicle Rebates). The remaining rebates available for PHEVs or EVs (battery system capacity equal/greater than 10 kWh) will be updated weekly.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1397. Filed for public inspection July 3, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Warehouse Space to the Commonwealth Washington County

Proposals are invited to provide the Department of General Services with 7,000 to 10,000 usable square feet

of warehouse space for the Liquor Control Board in Washington, Washington County. For more information on SFP No. 94627, which is due on August 15, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1398. Filed for public inspection July 3, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Prearrest and Evidential Breath Testing Devices

The Department of Health (Department) has statutory authority to approve both prearrest and evidential breath testing devices for use by law enforcement officials to determine the alcohol content of blood by analysis of a person's breath. This notice contains the combined approved lists of prearrest breath testing devices and evidential breath testing devices.

Prearrest Breath Testing Devices

The Department approves prearrest breath testing devices as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). Authority to promulgate these regulations is contained in the Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol) and section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Prearrest breath testing devices approved under this authority may be used by police officers, waterways patrolmen and officers enforcing the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code in conducting preliminary determinations of the alcohol content of blood of persons suspected of driving, boating, hunting or furtaking while under the influence of alcohol. Officers and patrolmen use these devices to assist them in determining whether or not a person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) or for any other criminal offense under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code which involves operating a vehicle or boat, hunting or furtaking while under the influence of alcohol.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices to measure alcohol content. The NHTSA established these specifications to support state laws and the United States Department of Transportation's workplace

alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the prearrest testing of a person's breath to determine the alcohol content of the person's blood.

The NHTSA published its first Conforming Products List (CPL) for screening devices on 59 FR 61923 (December 2, 1994), with corrections at 59 FR 65128 (December 16, 1994), identifying the devices that meet the NHTSA's Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids. Thereafter, the NHTSA updated the CPL at 60 FR 42214 (August 15, 1995), 66 FR 22639 (May 4, 2001), 70 FR 54972 (September 19, 2005), with corrections at 70 FR 72502 (December 5, 2005) and 72 FR 4559 (January 31, 2007).

The NHTSA published revised Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 73 FR 16956 (March 31, 2008). These specifications removed from use interpretive screening devices (ISDs) because ISDs did not provide an unambiguous test result. These specifications also removed from use the Breath Alcohol Sample Simulator as it is not necessary for testing breath alcohol screening devices. All other performance criteria and test methods were maintained. The NHTSA published an additional update to the CPL at 74 FR 66398 (December 15, 2009). The current list was published at 77 FR 35745 (June 14, 2012).

Evidential Breath Testing Devices

The Department approves evidential breath testing devices under the authority of the Vehicle Code (75 Pa.C.S. § 1547(c)(1)), the Fish and Boat Code (30 Pa.C.S. § 5125(c)(1)) and the Game and Wildlife Code (34 Pa.C.S. § 2502(c)).

Evidential breath testing devices approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 or any other violation of the Vehicle Code arising out of the same action or 30 Pa.C.S. § 5502 or any other violation of the Fish and Boat Code arising out of the same action or 34 Pa.C.S. § 2501 or any other violation of the Game and Wildlife Code arising out of the same action.

The NHTSA published the Standards for Devices to Measure Breath Alcohol at 38 FR 30459 (November 5, 1973). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued at 39 FR 41399 (November 21, 1974).

The NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices (Model Specifications) and published a CPL of instruments that were found to conform to the Model Specifications as Appendix D to that notice at 49 FR 48854 (December 14, 1984). Those instruments are identified in this notice with an asterisk.

The NHTSA published a notice to amend the Model Specifications at 58 FR 48705 (September 17, 1993) and to update the CPL. That notice changed the alcohol concentration levels at which instruments are evaluated for precision and accuracy, from 0.000, 0.050, 0.101 and 0.151 BAC, to 0.000, 0.020, 0.040, 0.080 and 0.160 BAC, respectively. It also included a test for the presence of acetone and an expanded definition of alcohol to include other low molecular weight alcohols, for example, methyl or isopropyl. Since that time, the CPL has been annotated to indicate which instruments have been determined to meet the Model Specifications published in 1984 and

which have been determined to meet the Model Specifications, as revised and published in 1993. Thereafter, the NHTSA has periodically updated the CPL with those breath instruments found to conform to the Model Specifications.

The list of evidential breath testing devices contains updates to the CPL published at 77 FR 35747 (June 14, 2012) for instruments that conform to the Model Specifications for Evidential Breath Alcohol Measurement Devices at 58 FR 48705 (September 17, 1993).

On December 19, 2013, the NHTSA indicated that it has approved the Intoxilyzer 500 (aka: Alcometer 500, Lion Laboratories) as an evidential breath testing device and that it will be removing the Intoxilyzer 500 as a prearrest breath testing device. The Department received confirmation of this change in a letter dated February 17, 2014.

The NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (that is, mobile equipment). Most equipment on the following list is approved for mobile and nonmobile operation. The instruments on the list not marked with an asterisk meet the specifications for use as prearrest or evidentiary breath testing devices. The instruments on the list marked with an asterisk may be used as evidentiary devices for blood alcohol concentrations at or above 0.050%. These instruments may also be used as prearrest breath testing devices if they are approved for mobile operations. However, these instruments may not be used for making arrests under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code where blood alcohol concentrations below 0.050% must be determined. Nonmobile devices can only be used as evidentiary testing instruments since they are not portable. Before purchasing breath testing devices, law enforcement officials should consult with the manufacturer of the equipment they intend to purchase to verify that the devices can be used for their intended purposes.

Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list. Law enforcement agencies that plan to utilize a device that does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by the NHTSA and found to meet the NHTSA's performance requirements. If a device is approved by the NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of the NHTSA acceptability to Dr. James R. Lute at the address given as follows so that the Department has information sufficient to enable it to include the device in the next revision of this notice in the *Pennsylvania Bulletin*.

Some of the devices included in this notice are listed under the name of more than one manufacturer due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In these instances, the device is listed under the name of every company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

To facilitate accessibility of information concerning breath alcohol testing devices which are approved for law

enforcement purposes in this Commonwealth, the Department will publish revisions of this list of equipment semiannually as notices in the *Pennsylvania Bulletin*.

Questions regarding this list should be directed to Dr. James R. Lute, Assistant Bureau Director, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) may contact Dr. James R. Lute at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at 800-654-5984 (TT).

CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES

Distributors/Manufacturers	Devices
AK Solutions, USA, LLC., Palisades Park, New Jersey ¹	<ul style="list-style-type: none"> • AlcoScan AL-2500. • SafeMate.² • SafeDrive. • AlcoMate.³ (aka: AlcoHAWK Pro by Q3 Innovations). • AlcoMate Accu Cell AL-9000. • AlcoMate Pro.³ • AlcoMate Core.⁴ • AlcoMate Premium AL-7000, with replaceable Premium Sensor Modules (SM-7000).^{4 5} • AlcoMate Prestige AL-6000, with replaceable Prestige Sensor Modules (SM-6000).^{4 6} • AlcoMate SafeGuard (Model AL-2500, aka: AlcoScan AL-2500).
Alco Check International, Hudsonville, Michigan	Alco Check 3000 D.O.T. ⁷ Alco Check 9000. ⁷
Akers Biosciences, Inc., Thorofare, New Jersey	Breath Alcohol ✓ .02 Detection System. ⁸
Alcohol Countermeasure Systems Corp., Toronto, Ontario, Canada	DRIVESAFE.
BAC Solutions, Inc., Birmingham, Michigan	BACmaster.
B.E.S.T. Labs., Boardman, Ohio	PB 9000e.
Chematics, Inc., North Webster, Indiana	ALCO-SCREEN 02 ^{TM9} .
Express Diagnostics Int'l, Inc., Blue Earth, Minnesota	AlcoCheck FC90 (aka: AT578 by Skyfine).
First Innovative Technology Group, Ltd., Hong Kong	AAT198—Pro.
Guth Laboratories, Inc., Harrisburg, Pennsylvania	<ul style="list-style-type: none"> • Alco Tector Mark X. • Mark X Alcohol Checker. • Alcotector WAT89EC-1. • Alcotector WAT90.
Han International Co., Ltd., ² Seoul, Korea	A.B.I. (Alcohol Breath Indicator) (aka: AlcoHAWK ABI by Q3 Innovations).
KHN Solutions, LLC, San Francisco, California	<ul style="list-style-type: none"> • BACTRACK Select S50.¹⁰ • BACTRACK Select S80.¹⁰ • BACTRACK Element. • BACTRACK S 75 Pro.
OraSure Technologies, Inc., Bethlehem, Pennsylvania	Q.E.D. A150 Saliva Alcohol Test.
PAS Systems International, Inc., Fredericksburg, Virginia	<ul style="list-style-type: none"> • PAS Vr. • Alcovisor MARS.
Q3 Innovations, Inc., Independence, Iowa	<ul style="list-style-type: none"> • AlcoHAWK Precision. • AlcoHAWK Slim. • AlcoHAWK Slim 2. • AlcoHAWK Elite. • AlcoHAWK ABI (aka: A.B.I. (Alcohol Breath Indicator) by Han Intl.). • AlcoHAWK Micro. • AlcoHAWK PRO (aka: AlcoMate by AK Solutions). • AlcoHAWK PT 500. • CA2010.
RepcO Marketing, Inc., Raleigh, North Carolina	Alco Tec III.
Seju Engineering Co., Taejeon, Korea	Safe-Slim.

Distributors/Manufacturers	Devices
Skyfine Inc., Ltd., Kwai Chung, NT, Hong Kong	<ul style="list-style-type: none"> • AT577. • AT578 (aka: AlcoCheck FC90). • AT579.
Sound Off, Inc., Hudsonville, Michigan	Digitox D.O.T. ⁷
Varian, Inc., Lake Forest, California	On-Site Alcohol. ¹⁰

¹ The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the U.S. by AK Solutions.

² Manufactured by Seju Engineering, Korea.

³ Han International does not market or sell devices directly in the U.S. market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q3 Innovations, Inc.

⁴ Manufactured by Sentech Korea Corp.

⁵ These devices utilize replaceable semiconductor detectors. Instead of re-calibrating the device, a new calibrated detector can be installed. The device comes with 4 detectors including the one that was already installed.

⁶ These devices utilize replaceable semiconductor detectors. Instead of re-calibrating the device, a new calibrated detector can be installed. This device comes with 5 detectors including the one that was already installed.

⁷ While these devices are still being sold, they are no longer manufactured or supported.

⁸ The Breath Alcohol ✓ .02 Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

⁹ While the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the Model Specifications when tested at 40°C (104°F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27°C (80°F). Instructions to this effect are stated on all packaging accompanying the device. Accordingly, the device should not be stored at temperatures above 27°C (80°F). If the device is stored at or below 27°C (80°F) and used at higher temperatures (i.e., within a minute), the device meets the Model Specifications and the results persist for 10—15 minutes. If the device is stored at or below 27°C (80°F) and equilibrated at 40°C (104°F) for an hour prior to sample application, the device fails to meet the Model Specifications. Storage at temperatures above 27°C (80°F), for even brief periods of time, may result in false negative readings.

¹⁰ While this device passed all of the requirements of the Model Specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer’s instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30°C (86°F); readings should be taken after two (2) minutes at 18°C—29°C (64.4°F—84.2°F); and readings should be taken after five (5) minutes when testing at temperatures at or below 17°C (62.6°F). If the reading is taken before five (5) minutes has elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer/Distributor and Model	Mobile	Nonmobile
Alcohol Countermeasure Systems Corp., Toronto, Ontario, Canada:		
Alert J3AD *	X	X
Alert J4X.ec	X	X
PBA3000C	X	X
SAF [®] IR Evolution	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer *	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:		
IR Breath Analyzer *	X	X
CMI, Inc., Owensboro, Kentucky:		
Intoxilyzer Model:		
200	X	X
200D	X	X
240 (aka: Lion Alcolmeter 400+ outside the U.S.)	X	X
300	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
400	X	X
500 (aka: Lion Alcolmeter 500 outside the U.S.)	X	—
400PA	X	X
600 (aka: Lion Alcolmeter 600 outside the U.S.)	X	X
1400	X	X
4011 *	X	X
4011A *	X	X
4011AS *	X	X
4011AS-A *	X	X
4011AS-AQ *	X	X
4011 AW *	X	X
4011A27-10100 *	X	X
4011A27-10100 with filter *	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X
5000 (w/3/8" ID Hose option)	X	X
5000CD	X	X
5000CD/FG5	X	X
5000EN	X	X
5000 (CAL DOJ)	X	X
5000VA	X	X
8000	X	X
PAC 1200 *	X	X
S-D2	X	X
S-D5 (aka: Lion Alcolmeter SD-5 outside the U.S.)	X	X
Draeger Safety, Inc. (aka: National Draeger) Irving, Texas:		
Alcotest Model:		
6510	X	X
6810	X	X
7010 *	X	X
7110 *	X	X
7110 MKIII	X	X
7110 MKIII-C	X	X
7410	X	X
7410 Plus	X	X
7510	X	X
9510	X	X
Breathalyzer Model:		
900	X	X
900A *	X	X
900BG *	X	X
7410	X	X
7410-II	X	X
EnviteC by Honeywell GmbH, Fond du Lac, Wisconsin:		
AlcoQuant 6020	X	X
Gall's Inc., Lexington, Kentucky:		
Alcohol Detection System—A.D.S. 500	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Guth Laboratories, Inc., Harrisburg, Pennsylvania:		
Alcotector BAC-100	X	X
Alcotector C2H5OH	X	X
Guth 38	X	X
Intoximeters, Inc., St. Louis, Missouri:		
Photo Electric Intoximeter *	—	X
GC Intoximeter MK II *	X	X
GC Intoximeter MK IV *	X	X
Auto Intoximeter *	X	X
Intoximeter Model:		
3000	X	X
3000 (rev B1) *	X	X
3000 (rev B2) *	X	X
3000 (rev B2A) *	X	X
3000 (rev B2A) w/FM option *	X	X
3000 (Fuel Cell) *	X	X
3000 D *	X	X
3000 DFC *	X	X
Alcomonitor	—	X
Alcomonitor CC	X	X
Alco-Sensor III	X	X
Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000) ...	X	X
Alco-Sensor IV	X	X
Alco-Sensor IV XL	X	X
Alco-Sensor V	X	X
Alco-Sensor V XL	X	X
Alco-Sensor AZ	X	X
Alco-Sensor FST	X	X
Intox EC/IR	X	X
Intox EC/IR II	X	X
Intox EC/IR II (Enhanced with serial number 10,000 or higher)	X	X
Portable Intox EC/IR	—	X
RBT-AZ	X	X
RBT-III	X	X
RBT III-A	X	X
RBT IV	X	X
RBT IV with CEM (cell enhancement module)	X	X
Komyo Kitagawa, Kogyo, K.K., Japan:		
Alcolyzer DPA-2 *	X	X
Breath Alcohol Meter PAM 101B *	X	X
Lifeloc Technologies, Inc., (formerly Lifeloc, Inc.), Wheat Ridge, Colorado:		
LifeGuard Pro	X	X
Phoenix	X	X
Phoenix 6.0	X	X
EV 30	X	X
FC 10	X	X
FC 20	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Lion Laboratories, Ltd., Cardiff, Wales, United Kingdom:		
Alcolmeter Model:		
300	X	X
400	X	X
400+ (aka: Intoxilyzer 240 in the U.S.)	X	X
500 (aka: Intoxilyzer 500 in the U.S.)	X	—
600 (aka: Intoxilyzer 600 in the U.S.)	X	X
SD-2 *	X	X
SD-5 (aka: S-D5 in the U.S.)	X	X
EBA *	X	X
Intoxilyzer Model:		
200	X	X
200D	X	X
1400	X	X
5000 CD/FG5	X	X
5000 EN	X	X
Luckey Laboratories, San Bernardino, California:		
Alco-Analyzer Model:		
1000 *	—	X
2000 *	—	X
Nanopuls AB, Uppsala, Sweden:		
Evidenzer	X	X
National Patent Analytical Systems, Inc., Mansfield, Ohio:		
BAC DataMaster (with or without the Delta-1 accessory)	X	X
BAC Verifier DataMaster (w/or without the Delta-1 accessory)	X	X
DataMaster cdm (w/or without the Delta-1 accessory)	X	X
DataMaster DMT	X	X
DataMaster DMT w/Fuel Cell option SN: 555555	X	X
DataMaster DMT w/Fuel Cell option SN: 100630	X	X
Omicron Systems, Palo Alto, California:		
Intoxilyzer Model:		
4011 *	X	X
4011AW *	X	X
PAS International, Fredericksburg, Virginia:		
Mark V Alcovisor	X	X
Alcovisor Jupiter	X	X
Alcovisor Mercury	X	X
Plus 4 Engineering, Minturn, Colorado:		
5000 Plus 4 *	X	X
Seres, Paris, France:		
Alco Master	X	X
Alcopro	X	X
Siemens-Allis, Cherry Hill, New Jersey:		
Alcomat *	X	X
Alcomat F *	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Smith and Wesson Electronics, Springfield, Massachusetts:		
Breathalyzer Model:		
900 *	X	X
900A *	X	X
1000 *	X	X
2000 *	X	X
2000 (non-Humidity Sensor) *	X	X
Sound-Off, Inc., Hudsonville, Michigan:		
AlcoData	X	X
Seres Alco Master	X	X
Seres Alcopro	X	X
Stephenson Corp.:		
Breathalyzer 900 *	X	X
Tokai-Denshi Inc., Tokyo, Japan:		
ALC-PRO II (U.S.)	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, California:		
Alco-Analyzer 1000	—	X
Alco-Analyzer 2000	—	X
Alco-Analyzer 2100	X	X
Verax Systems, Inc., Fairport, New York:		
BAC Verifier *	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II *	X	X

Instruments marked with an asterisk () meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at 0.000, 0.050, 0.101 and 0.151 BAC). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993) and were tested at BACs = 0.000, 0.020, 0.040, 0.080 and 0.160. All instruments that meet the Model Specifications currently in effect (dated September 17, 1993) also meet the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1399. Filed for public inspection July 3, 2014, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood or Serum or Both for Controlled Substances under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P. S. §§ 2151—2165) or section 353 of the Federal Clinical Laboratories Improvement Amendments of 1988 (42 U.S.C.A. § 263a), or both, and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood or serum, or both, for the determination of controlled substances. This approval is based on demonstrated proficiency in periodic tests conducted by the Department’s Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and

3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood or serum, or both.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening or confirmatory analyses, or both, on blood or serum, or both. Laboratories approved to perform screening analyses are designated on the approval list by an “S” followed by the letters “B” for blood or “Se” for serum, or both. Laboratories approved to screen both blood and serum would therefore have “SBSe” listed after their laboratory name. Laboratories approved to offer confirma-

tory analyses are designated on the approval list by a “C” followed by the letters “B” for blood or “Se” for serum, or both. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have “CBSe” listed after their laboratory name. Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood or serum analysis services, or both, from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking blood and/or serum analyses are responsible for specifying the controlled substances for which testing is being sought. Persons seeking those analyses should first determine the purpose of the analyses, that is, whether they are for medical, legal or other purposes.

The Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories before the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to Dr. James R. Lute, Assistant Bureau Director, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. James R. Lute at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

30483
AIT LABORATORIES—SBSe, CBSe
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SBSe,
CBSe
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

31871
AMERICAN FORENSIC TOXICOLOGY SERVICES—
SBSe, CBSe
728 LARKFIELD ROAD
EAST NORTHPORT, NY 11731
(631) 923-0166

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SBSe,
CBSe
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

31684
BUCKS COUNTY CRIME LABORATORY—SBSe, CBSe
850 EAGLE BOULEVARD
WARMINSTER, PA 18974
(609) 802-7399

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SSe
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

00977
DRUGSCAN INC—SBSe, CBSe
200 PRECISION ROAD, SUITE 200
HORSHAM, PA 19044
(267) 960-3407

24655
HEALTH NETWORK LABORATORIES—SBSe, CBSe
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

09003
MAYO CLINIC LABS-ROCHESTER MAIN CAMPUS—
SSe, CSe
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 538-6449

05574
MEDTOX LABORATORIES INC—SBSe, CBSe
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SBSe,
CBSe
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 366-1222

29741
NORTHERN TIER RESEARCH—SBSe, CBSe
1302 MADISON AVE
DUNMORE, PA 18509
(570) 209-7913

30984
OFFICE OF THE DISTRICT ATTORNEY—SSe, CB
37 E HIGH STREET, FORENSIC LAB
CARLISLE, PA 17013
(717) 240-6526

00250
 PARKWAY CLINICAL LABORATORIES—SSe
 3494 PROGRESS DRIVE, SUITE D
 BENSALEM, PA 19020
 (215) 245-5112

31399
 QUEST DIAGNOSTICS—SB, CB
 1777 MONTREAL CIRCLE ES/F1 2
 TUCKER, GA 30084
 (770) 936-5007

01136
 QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS_e,
 CBS_e
 14225 NEWBROOK DRIVE PO BOX 10841
 CHANTILLY, VA 20153-0841
 (703) 802-6900

00482
 QUEST DIAGNOSTICS OF PA INC—SBS_e, CBS_e
 875 GREENTREE ROAD 4 PARKWAY CENTER
 PITTSBURGH, PA 15220-3610
 (412) 920-7600

25461
 QUEST DIAGNOSTICS VENTURE LLC—SBS_e, CBS_e
 875 GREENTREE ROAD 4 PARKWAY CENTER
 PITTSBURGH, PA 15220-3610
 (412) 920-7631

00151
 ST JOSEPH QUALITY MEDICAL LAB—SBS_e, CBS_e
 2500 BERNVILLE ROAD
 READING, PA 19605-9453
 (610) 378-2200

00018
 WBGH COMMONWEALTH HEALTH LAB SVS—SSe
 575 NORTH RIVER STREET
 WILKES-BARRE, PA 18764
 (570) 829-8111

00141
 YORK HOSPITAL—SSe
 1001 SOUTH GEORGE STREET
 YORK, PA 17405
 (717) 851-2345

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1400. Filed for public inspection July 3, 2014, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood, serum or plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to deter-

mine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood, serum or plasma.

The Vehicle Code at 75 Pa.C.S. § 1547(c)(3)(ii) also permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in certain legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide forensic blood, serum or plasma analysis services. This section states that the test results will be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed to conduct the test by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the determination of alcohol in serum are approved to analyze both serum and plasma for alcohol content.

Persons seeking forensic blood, serum or plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes and that the director of the facility is agreeable to performing determinations for this purpose.

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood alcohol and serum and plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements in section 353 of the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C.A. § 263a), and implementing regulations at 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology), which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be

directed to Dr. James R. Lute, Assistant Bureau Director, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. James R. Lute at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses
 B = approved for blood analyses
 SB = approved for serum, plasma and blood analyses

00212

ABINGTON MEMORIAL HOSPITAL—S
 1200 OLD YORK ROAD
 ABINGTON, PA 19001
 (215) 481-2324

32917

ACCURATE DIAGNOSTIC LABS, INC—S
 3000 HADLEY ROAD
 SOUTH PLAINFIELD, NJ 07080
 (732) 839-3300

00233

ALBERT EINSTEIN MEDICAL CENTER—S
 5501 OLD YORK RD- LABS-TOWER BLDG
 GROUND FL
 PHILADELPHIA, PA 19141-3001
 (215) 456-6157

00671

ALLEGHENY COUNTY MED EX DIV OF LABS—SB
 1520 PENN AVENUE, 2ND FLOOR
 PITTSBURGH, PA 15222
 (412) 350-4425

28233

ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
 320 E NORTH AVENUE
 PITTSBURGH, PA 15212
 (412) 359-6886

00077

ALLEGHENY GENERAL HOSPITAL LAB—S
 1307 FEDERAL STREET
 PITTSBURGH, PA 15212
 (412) 359-6886

00100

ALLEGHENY VALLEY HOSPITAL LAB—S
 1301 CARLISLE STREET
 NATRONA HEIGHTS, PA 15065
 (724) 224-5100

00192

ARIA HEALTH—S
 380 NORTH OXFORD VALLEY ROAD
 LANGHORNE, PA 19047-8304
 (215) 934-5227

00236

ARIA HEALTH—S
 FRANKFORD AVE & WAKELING STREET
 PHILADELPHIA, PA 19124
 (215) 831-2068

00341

ARIA HEALTH—S
 10800 KNIGHTS ROAD
 PHILADELPHIA, PA 19114
 (215) 612-4000

00041

ARMSTRONG COUNTY MEMORIAL HOSP—S
 1 NOLTE DRIVE
 KITTANNING, PA 16201
 (724) 543-8500

00047

ASSOCIATED CLINICAL LABORATORIES—SB
 1526 PEACH STREET
 ERIE, PA 16501
 (814) 461-2400

24997

ATLANTIC DIAGNOSTIC LABORATORIES LLC—SB
 3520 PROGRESS DRIVE UNIT C
 BENSALEM, PA 19020
 (267) 525-2470

00251

AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
 800 SPRUCE STREET
 PHILADELPHIA, PA 19107
 (215) 829-3541

00320

BARNES KASSON HOSPITAL LAB—S
 400 TURNPIKE STREET
 SUSQUEHANNA, PA 18847
 (570) 853-5059

00001

BERWICK HOSPITAL LABORATORY—S
 701 EAST 16TH STREET
 BERWICK, PA 18603
 (570) 759-5110

00301

BHS LABORATORY—S
 ONE HOSPITAL WAY (911 E BRADY STREET)
 BUTLER, PA 16001
 (724) 284-4513

00033

BRADFORD REGIONAL MEDICAL CENTER—S
 116-156 INTERSTATE PKWY
 BRADFORD, PA 16701-0218
 (814) 362-8247

00296

BRANDYWINE HOSPITAL—S
 201 REECEVILLE ROAD
 COATESVILLE, PA 19320
 (610) 383-8000

00053

BROOKVILLE HOSPITAL LAB—S
 100 HOSPITAL ROAD
 BROOKVILLE, PA 15825
 (814) 849-2312

31684

BUCKS COUNTY CRIME LABORATORY—SB
 850 EAGLE BOULEVARD
 WARMINSTER, PA 18974
 (609) 802-7399

00107

CANONSBURG HOSPITAL—S
 100 MEDICAL BOULEVARD
 CANONSBURG, PA 15317
 (724) 745-3916

00131

CARLISLE REGIONAL MEDICAL CENTER—S
 361 ALEXANDER SPRING ROAD
 CARLISLE, PA 17015-9129
 (717) 249-1212

00132
CHAMBERSBURG HOSPITAL DEPT OF
PATHOLOGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7153

00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-5510

00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182

00227
CHESTNUT HILL HOSPITAL—S
DEPARTMENT OF PATHOLOGY
8835 GERMANTOWN AVENUE
PHILADELPHIA, PA 19118
(215) 248-8113

00228
CHILDRENS HOSP OF PHILADELPHIA—S
3401 CIVIC CENTER BLVD.
MAIN BLDG.-5TH FLOOR-ROOM 5135
PHILADELPHIA, PA 19104
(215) 590-4446

00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 221-8969

00026
CLEARFIELD HOSPITAL LABORATORY—S
809 TURNPIKE AVENUE PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280

33142
CLINICAL REFERENCE LABORATORY, INC.—S
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652

00125
CONEMAUGH VALLEY MEMORIAL HOSP—SB
LABORATORY DEPT 1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-3221

00326
CORY MEMORIAL HOSPITAL—S
965 SHAMROCK LANE
CORY, PA 16407
(814) 664-4641

00201
CROZER CHESTER MED CENTER—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000

00209
CROZER-CHESTER MED CTR-SPRINGFLD—S
190 WEST SPOUL ROAD
SPRINGFIELD, PA 19064
(610) 447-2000

00204
DELAWARE COUNTY MEMORIAL HOSP—S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SB
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

00194
DOYLESTOWN HOSPITAL LABORATORY—S
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250

00977
DRUGSCAN INC—SB
200 PRECISION ROAD, SUITE 200
HORSHAM, PA 19044
(267) 960-3407

00027
DUBOIS REG MED CTR-WEST UNIT—S
100 HOSPITAL AVE
DUBOIS, PA 15801
(814) 371-2200

00175
EASTON HOSPITAL LABORATORY—S
250 SOUTH 21ST STREET
EASTON, PA 18042
(610) 250-4819

00217
EINSTEIN MEDICAL CTR MONTGOMERY—S
559 W GERMANTOWN PIKE
EAST NORRITON, PA 19401
(484) 662-1000

00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

00612
ENDLESS MOUNTAINS HEALTH SYSTEMS—S
25 GROW AVENUE
MONTROSE, PA 18801-1103
(570) 278-3801

00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311

00032
ERHC ST MARYS LABORATORY—B
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

00114
EXCELA HEALTH LATROBE HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 537-1550

00085
FORBES HOSPITAL—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2566

32455
FORENSIC LABORATORIES—B
ROCKY MOUNTAIN TOX, LLC
4895 JOLIET STREET, 7-G
DENVER, CO 80239
(720) 287-8111

00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500

00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169

00002
GEISINGER BLOOMSBURG—S
549 E FAIR STREET
BLOOMSBURG, PA 17815
(570) 387-2124

00005
GEISINGER CMC LABORATORY—S
1800 MULBERRY STREET
ATTN 68-44
SCRANTON, PA 18510
(570) 969-7140

00138
GEISINGER LEWISTOWN HOSPITAL—S
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 242-7474

00173
GEISINGER MEDICAL CENTER—SB
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338

00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES-BARRE, PA 18711
(570) 808-7845

00122
GETTYSBURG HOSPITAL LABORATORY—S
147 GETTYS STREET
GETTYSBURG, PA 17325
(717) 337-4120

00152
GNADEN HUETTEN MEMORIAL HOSP—S
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083

00299
GOOD SAMARITAN HOSPITAL—S
4TH & WALNUT STS PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7986

00196
GRAND VIEW HOSPITAL—S
700 LAWN AVE
SELLERSVILLE, PA 18960
(215) 453-4528

00061
GROVE CITY MEDICAL CENTER—S
631 NORTH BROAD STREET EXT
GROVE CITY, PA 16127
(724) 450-7125

00024
GUTHRIE CLINIC LAB AT TROY COMM—S
275 GUTHRIE LANE
TROY, PA 16947
(570) 297-9289

00654
GUTHRIE CLINIC LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 887-5797

00239
HAHNEMANN UNIVERSITY HOSPITAL—S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783

00139
HANOVER HOSPITAL LABORATORY—S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 633-2150

00155
HARRISBURG HOSPITAL LABORATORY—SB
100 SOUTH 2ND STREET
HARRISBURG, PA 17101
(717) 231-6323

00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-8150

00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150

00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(610) 402-8150

24655
HEALTH NETWORK LABORATORIES—SB
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

00166
HEART OF LANCASTER REGIONAL MEDICAL
CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605

00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000

00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 741-6600

00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

00052
INDIANA REGIONAL MEDICAL CENTER—S
835 HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

00038
JEFFERSON REGIONAL MED CTR—S
PO BOX 18119, 565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

00034
KANE COMMUNITY HOSPITAL—S
4372 ROUTE 6
KANE, PA 16735
(814) 837-4570

01088
LABCORP OF AMERICA HOLDINGS—SB
69 FIRST AVENUE PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET, PO BOX 3555
LANCASTER, PA 17604
(717) 544-4331

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE, PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 481-4933

00010
LEHIGH VALLEY HOSPITAL—HAZLETON—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152

00030
LOCK HAVEN HOSPITAL—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00242
MAIN LINE HOSPITALS LAB-LANKENAU—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00199
MAIN LINE HOSPITALS LAB-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HOSPITALS LAB-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

09003
MAYO CLINIC LABS-ROCHESTER MAIN
CAMPUS—SB
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 538-6449

00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000

05574
MEDTOX LABORATORIES INC—SB
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
YORK, PA 17403
(717) 843-8623

00023
MEMORIAL HOSPITAL LAB—SB
91 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181

00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
EAST NORRITON, PA 19401
(610) 292-6501

28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 955-3941

00231
MEYERSDALE MEDICAL CENTER LABORATORY—S
200 HOSPITAL DR
MEYERSDALE, PA 15552
(814) 634-5911

00269
MID-VALLEY HOSPITAL—S
1400 MAIN STREET
PECKVILLE, PA 18452
(570) 383-5520

00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE, PO BOX 689
HASTINGS, PA 16646
(814) 247-3200

00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00007
MOSES TAYLOR HOSPITAL—S
700 QUINCY AVENUE
SCRANTON, PA 18510
(570) 340-2100

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD ATTN: LAB
ELKINS PARK, PA 19027
(215) 456-6150

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SB
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 366-1222

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

29741
NORTHERN TIER RESEARCH—SB
1302 MADISON AVE
DUNMORE, PA 18509
(570) 209-7913

30984
OFFICE OF THE DISTRICT ATTORNEY—SB
37 E HIGH STREET, FORENSIC LAB
CARLISLE, PA 17013
(717) 240-6526

00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

00334
PALMERTON HOSPITAL—SB
135 LAFAYETTE AVENUE
PALMERTON, PA 18071
(610) 826-1100

31516
PAML LLC—SB
110 W. CLIFF AVENUE
SPOKANE, WA 99204
(509) 755-8645

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SB
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

00157
PINNACLE HEALTH AT COMMUNITY GENERAL
HOSPITAL—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340

00022
POCONO MEDICAL CENTER LAB—SB
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7130

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820

22715
QUEST DIAGNOSTICS—SB
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

31399
QUEST DIAGNOSTICS—SB
1777 MONTREAL CIRCLE ES/F1 2
TUCKER, GA 30084
(770) 936-5007

27461
QUEST DIAGNOSTICS INC—SB
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4502

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB
14225 NEWBROOK DRIVE PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—SB
875 GREENTREE ROAD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SB
875 GREENTREE ROAD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00150
READING HOSPITAL & MEDICAL CTR—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(484) 628-8615

00336
REGIONAL HOSPITAL OF SCRANTON—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100

00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394

00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS ATTN LAB DEPT
ALLENTOWN, PA 18102
(610) 776-4727

00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900

00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558

00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162

00048
SAINT VINCENT HEALTH CENTER—S
232 WEST 25TH STREET
ERIE, PA 16544
(814) 452-5386

00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

00183
SCHUYLKILL MC S JACKSON ST—SB
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262

00064
SHARON REGIONAL HEALTH SYSTEM—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911

00039
SOLDIERS & SAILORS MEM HOSP—S
32-36 CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133

00297
SOMERSET HOSPITAL CENTER FOR HEALTH—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000

00105
SOUTHWEST REGIONAL MEDICAL CENTER—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 267-2640

00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
DEPT OF PATHOLOGY & LAB MEDICINE
PHILADELPHIA, PA 19134
(215) 427-4207

00151
ST JOSEPH QUALITY MEDICAL LAB—SB
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

- 00261
ST JOSEPH'S HOSPITAL-DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8724
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET PO BOX 67
COALDALE, PA 18218
(570) 645-8271
- 00195
ST LUKES QUAKERTOWN HOSPITAL—S
1021 PARK AVENUE
QUAKERTOWN, PA 18951
(215) 538-4681
- 32021
ST. LUKES HOSPITAL-ANDERSON LAB—S
1872 RIVERSIDE CIRCLE
EASTON, PA 18045
(484) 503-1075
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4353
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
DEPT OF PATH & LAB MED-2ND FL. OPB RM 249
PHILADELPHIA, PA 19140
(215) 707-4353
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET 204 PAVILLION
PHILADELPHIA, PA 19107
(215) 955-3941
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 32914
TRIDENT LABORATORIES, INC—SB
6011 RODMAN STREET #107
HOLLYWOOD, FL 33023
(954) 304-1293
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705
- 00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384
- 00119
UPMC ALTOONA LAB—S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340
- 00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3555
- 32389
UPMC EAST PATHOLOGY LABORATORY—S
2775 MOSSIDE BLVD.
GROUND FLOOR, ROOM 0304
MONROEVILLE, PA 15146
(412) 357-3682
- 00046
UPMC HAMOT—S
201 STATE STREET
ERIE, PA 16550
(814) 877-2463
- 00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100
- 00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500
- 00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233
- 00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831
- 00084
UPMC PASSAVANT—S
9100 BABCOCK BLVD
PITTSBURGH, PA 15237
(412) 367-6700
- 05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370
- 00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S
UPMC CLINICAL LABORATORY BUILDING
3477 EULER WAY
PITTSBURGH, PA 15213
(412) 647-5855

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
LABORATORY
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860

00111
WASHINGTON HEALTH SYSTEM LAB—S
155 WILSON AVE
WASHINGTON, PA 15301
(724) 223-3136

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00018
WBGH COMMONWEALTH HEALTH LAB SVS—SB
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00095
WESTERN PENN HOSPITAL—S
4800 FRIENDSHIP AVENUE
PITTSBURGH, PA 15224
(412) 578-5779

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT REGIONAL MEDICAL CENTER—S
700 HIGH STREET
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00106
WINDBER HOSPITAL—S
600 SOMERSET AVE
WINDBER, PA 15963
(814) 467-3741

25064
WVU HOSPITAL CLINICAL LABS—S
1 MEDICAL CENTER DR PO BOX 8009
MORGANTOWN, WV 26506-8009
(304) 598-4241

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1401. Filed for public inspection July 3, 2014, 9:00 a.m.]

Laboratories Approved to Determine Controlled Substance Content of Urine under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products.

This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The Commonwealth's Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another

state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to Dr. James R. Lute, Assistant Bureau Director, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) may contact Dr. James R. Lute at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 481-2324

32917
ACCURATE DIAGNOSTIC LABS, INC—S
3000 HADLEY ROAD
SOUTH PLAINFIELD, NJ 07080
(732) 839-3300

27908
ACM MEDICAL LABORATORY—SC
160 ELMGROVE PARK
ROCHESTER, NY 14624
(716) 429-2264

33614
ADVANCED CLINICAL LABORATORY SOLUTIONS,
INC—SC
813 QUENTIN ROAD SUITE 205
BROOKLYN, NY 11223

31193
ADVANCED LABORATORY SERVICES, INC.—SC
501 ELMWOOD AVENUE
SHARON HILL, PA 19079
(484) 494-6125

33583
ADVANCED MEDICAL LABORATORIES INC—SC
1690 US HWY 1 SOUTH, SUITE D
ST AUGUSTINE, FL 32084
(305) 790-9798

31695
AEGIS SCIENCES CORPORATION—SC
515 GREAT CIRCLE ROAD
NASHVILLE, TN 37228
(615) 255-2400

30483
AIT LABORATORIES—SC
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00233
ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK RD- LABS-TOWER BLDG GROUND
FL
PHILADELPHIA, PA 19141-3001
(215) 456-6157

24496
ALERE TOXICOLOGY SERVICES—SC
450 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
(804) 378-9130

26008
ALERE TOXICOLOGY SERVICES INC—SC
1111 NEWTON STREET
GRETNA, LA 70053
(504) 361-8989

00116
ALLE KISKI MED CNTR NEW KENSINGTON—S
651 FOURTH AVENUE
NEW KENSINGTON, PA 15068
(724) 226-7089

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SC
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

28233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077
ALLEGHENY GENERAL HOSPITAL LAB—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-6886

00100
ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

31871
AMERICAN FORENSIC TOXICOLOGY SERVICES—SC
728 LARKFIELD ROAD
EAST NORTHPORT, NY 11731
(631) 923-0166

31814
AMERITOX, LTD.—SC
486 GALLIMORE DAIRY ROAD
GREENSBORO, NC 27409
(336) 387-7600

26620
AMMON ANALYTICAL LABORATORY—S
1622 SOUTH WOOD AVENUE
LINDEN, NJ 07036
(908) 862-4404

- 00192
ARIA HEALTH—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227
- 00236
ARIA HEALTH—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068
- 00341
ARIA HEALTH—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-4000
- 00047
ASSOCIATED CLINICAL LABORATORIES—S
PATHOLOGY ASSOCIATES OF ERIE, INC.
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400
- 24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SC
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470
- 31171
AVEE LABORATORIES INC—SC
14440 MYERLAKE CIRCLE
CLEARWATER, FL 33760
(727) 424-4151
- 33067
AVERTEST—S
11 E MARKET STREET, SUITE 104
YORK, PA 17401
(804) 955-5246
- 00251
AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREET
PHILADELPHIA, PA 19107
(215) 829-3541
- 00320
BARNES KASSON HOSPITAL LAB—S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059
- 00001
BERWICK HOSPITAL LABORATORY—S
701 EAST 16TH STREET
BERWICK, PA 18603
(570) 759-5110
- 00301
BHS LABORATORY—S
ONE HOSPITAL WAY (911 E BRADY STREET)
BUTLER, PA 16001
(724) 284-4513
- 27615
BIOLOGICAL SPECIALTY CORPORATION—S
2165 NORTH LINE STREET
COLMAR, PA 18915
(215) 997-8771
- 27616
BIOLOGICAL SPECIALTY CORPORATION—S
1236 VETERANS HIGHWAY #851
BRISTOL, PA 19007
(215) 826-9282
- 27617
BIOLOGICAL SPECIALTY CORPORATION—S
22 SOUTH 4TH STREET
READING, PA 19602
(610) 375-9862
- 22757
BIOREFERENCE LABORATORIES INC—SC
481B EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600
- 00033
BRADFORD REGIONAL MEDICAL CENTER—S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247
- 00296
BRANDYWINE HOSPITAL—S
201 REECEVILLE ROAD
COATESVILLE, PA 19320
(610) 383-8000
- 00472
BROOKSIDE CLINICAL LAB INC—S
2901 W. DUTTONS MILLS ROAD, SUITE 100
ASTON, PA 19014
(610) 872-6466
- 31684
BUCKS COUNTY CRIME LABORATORY—S
850 EAGLE BOULEVARD
WARMINSTER, PA 18974
(609) 802-7399
- 32486
BURLINGTON LABORATORIES, INC.—SC
199 MAIN STREET
COURTHOUSE PLAZA
BURLINGTON, VT 05401
(802) 863-4105
- 29116
CALLOWAY LABORATORIES—SC
12 GILL STREET, SUITE 4000
WOBURN, MA 01801
(781) 224-9899
- 00107
CANONSBURG HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916
- 00131
CARLISLE REGIONAL MEDICAL CENTER—S
361 ALEXANDER SPRING ROAD
CARLISLE, PA 17015-9129
(717) 249-1212
- 00751
CEDAR CREST EMERGICENTER—S
1101 SOUTH CEDAR CREST BOULEVARD
ALLENTOWN, PA 18103
(610) 435-3111
- 00132
CHAMBERSBURG HOSPITAL DEPT OF
PATHOLOGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7153

- 00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-5510
- 00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182
- 00227
CHESTNUT HILL HOSPITAL—S
DEPARTMENT OF PATHOLOGY
8835 GERMANTOWN AVENUE
PHILADELPHIA, PA 19118
(215) 248-8113
- 00228
CHILDRENS HOSP OF PHILADELPHIA—S
3401 CIVIC CENTER BLVD.
MAIN BLDG.-5TH FLOOR-ROOM 5135
PHILADELPHIA, PA 19104
(215) 590-4446
- 00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 221-8969
- 00026
CLEARFIELD HOSPITAL LABORATORY—S
809 TURNPIKE AVENUE PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280
- 27845
CLINICAL REFERENCE LABORATORY—SC
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652
- 33139
CLINICAL REFERENCE LABORATORY, INC—S
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652
- 33142
CLINICAL REFERENCE LABORATORY, INC—SC
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652
- 24916
CLINICAL SCIENCE LABORATORY INC—SC
51 FRANCIS AVENUE
MANSFIELD, MA 02048
(508) 339-6106
- 33386
COLORADO UNIVERSITY TOXICOLOGY—C
1999 N FITZSIMMONS PARKWAY, SUITE 100
AURORA, CO 80045
(303) 724-7346
- 00125
CONEMAUGH VALLEY MEMORIAL HOSP—S
LABORATORY DEPT 1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-3221
- 33431
CONFIRMATRIX LABORATORY, INC—C
1770 CEDARS ROAD, SUITE 200
LAWRENCEVILLE, GA 30045
- 00326
CORY MEMORIAL HOSPITAL—S
965 SHAMROCK LANE
CORY, PA 16407
(814) 664-4641
- 00201
CROZER CHESTER MED CENTER—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000
- 00209
CROZER-CHESTER MED CTR-SPRINGFLD—S
190 WEST SPROUL ROAD
SPRINGFIELD, PA 19064
(610) 447-2000
- 00204
DELAWARE COUNTY MEMORIAL HOSP—S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100
- 00266
DEPT OF PATHOLOGY & LAB MED-HUP—SC
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423
- 32240
DOMINION DIAGNOSTICS, LLC—SC
211 CIRCUIT DRIVE
NORTH KINGSTOWN, RI 02852
(401) 667-0891
- 00194
DOYLESTOWN HOSPITAL LABORATORY—S
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250
- 00977
DRUGSCAN INC—SC
200 PRECISION ROAD, SUITE 200
HORSHAM, PA 19044
(267) 960-3407
- 00175
EASTON HOSPITAL LABORATORY—S
250 SOUTH 21ST ST
EASTON, PA 18042
(610) 250-4819
- 00217
EINSTEIN MEDICAL CTR MONTGOMERY—S
559 W GERMANTOWN PIKE
EAST NORRITON, PA 19401
(484) 662-1000
- 00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081
- 31625
EMPIRE CITY LABORATORIES—S
4306 3RD AVENUE, 2ND FLOOR
BROOKLYN, NY 11232
(516) 941-7244

00612
ENDLESS MOUNTAINS HEALTH SYSTEMS—S
25 GROW AVENUE
MONTROSE, PA 18801-1103
(570) 278-3801

00164
EHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE PO BOX 1002
EHRATA, PA 17522
(717) 733-0311

00032
ERHC ST MARYS LABORATORY—S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

32030
EXCEL MEDICAL LAB INC.—S
DBA EVEREST MEDICAL LABORATORY
99-107 GLENDALE AVE
EDISON, NJ 08817
(732) 777-9222

00114
EXCELA HEALTH LATROBE HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 537-1550

33432
EXCELTOX LABORATORIES, LLC—SC
15375 BARRANCA PKWY, SUITE F-104
IRVINE, CA 92618
(877) 202-7019

00085
FORBES HOSPITAL—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2566

32455
FORENSIC LABORATORIES—S
ROCKY MOUNTAIN TOX, LLC
4895 JOLIET STREET, 7-G
DENVER, CO 80239
(720) 287-8111

00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500

20644
FRIENDS HOSPITAL—S
4641 ROOSEVELT BOULEVARD
LABORATORY
PHILADELPHIA, PA 19124
(215) 831-6934

09163
FRIENDS MEDICAL LAB INC—SC
5820 SOUTHWESTERN BLVD
BALTIMORE, MD 21227
(412) 247-4417

00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169

30188
GARCIA CLINICAL LABORATORY INC—S
2195 SPRING ARBOR ROAD
JACKSON, MI 49201
(517) 787-9200

00002
GEISINGER BLOOMSBURG—S
549 E FAIR STREET
BLOOMSBURG, PA 17815
(570) 387-2124

00005
GEISINGER CMC LABORATORY—S
1800 MULBERRY STREET
ATTN 68-44
SCRANTON, PA 18510
(570) 969-7140

00138
GEISINGER LEWISTOWN HOSPITAL—S
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 242-7474

00173
GEISINGER MEDICAL LABORATORIES—SC
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338

00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES-BARRE, PA 18711
(570) 808-7845

00185
GEISINGER-SHAMOKIN AREA COMMUNITY
HOSPITAL—S
4200 HOSPITAL ROAD
COAL RUN, PA 17866-9697
(570) 644-4200

00152
GNADEN HUETTEN MEMORIAL HOSP—S
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083

00299
GOOD SAMARITAN HOSPITAL—S
4TH & WALNUT STS PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7986

32790
GREATER PHILADELPHIA SPINE AND PAIN, PC—S
700 E. TOWNSHIP LINE ROAD, 1ST FLOOR
HAVERTOWN, PA 19083
(610) 689-9120

00654
GUTHRIE MEDICAL GROUP LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 887-5797

- 00239
 HAHNEMANN UNIVERSITY HOSPITAL—S
 BROAD & VINE STS MS 113
 PHILADELPHIA, PA 19102
 (215) 762-1783
- 00139
 HANOVER HOSPITAL LABORATORY—S
 300 HIGHLAND AVE
 HANOVER, PA 17331
 (717) 637-2150
- 00155
 HARRISBURG HOSPITAL LABORATORY—S
 100 SOUTH 2ND STREET
 HARRISBURG, PA 17101
 (717) 231-6323
- 26799
 HEALTH AND WELLNESS CENTER-HAZLETON—S
 50 MOISEY DRIVE SUITE 208
 HAZLETON, PA 18202
 (570) 501-6805
- 00169
 HEALTH NETWORK LABORATORIES—S
 1627 WEST CHEW STREET
 ALLENTOWN, PA 18102
 (610) 402-8150
- 00549
 HEALTH NETWORK LABORATORIES—S
 1200 SOUTH CEDAR CREST BLVD
 ALLENTOWN, PA 18103
 (610) 402-8150
- 00600
 HEALTH NETWORK LABORATORIES—S
 2545 SCHOENERSVILLE ROAD
 BETHLEHEM, PA 18017-7384
 (610) 402-8150
- 24655
 HEALTH NETWORK LABORATORIES—SC
 2024 LEHIGH STREET
 ALLENTOWN, PA 18103-4798
 (610) 402-8150
- 00166
 HEART OF LANCASTER REGIONAL MEDICAL
 CENTER—S
 1500 HIGHLANDS DRIVE
 LITITZ, PA 17543
 (717) 625-5605
- 00205
 HERITAGE VALLEY BEAVER—S
 1000 DUTCH RIDGE ROAD
 BEAVER, PA 15009
 (724) 728-7000
- 00101
 HERITAGE VALLEY SEWICKLEY LAB—S
 720 BLACKBURN RD
 SEWICKLEY, PA 15143
 (412) 741-6600
- 00103
 HIGHLANDS HOSPITAL—S
 401 EAST MURPHY AVENUE
 CONNELLSVILLE, PA 15425
 (724) 628-1500
- 00216
 HOLY REDEEMER HOSPITAL—S
 1648 HUNTINGDON PIKE
 MEADOWBROOK, PA 19046
 (215) 947-3000
- 00130
 HOLY SPIRIT HOSPITAL—S
 503 N 21ST STREET
 CAMP HILL, PA 17011-2288
 (717) 763-2206
- 00052
 INDIANA REGIONAL MEDICAL CENTER—S
 835 HOSPITAL ROAD
 PO BOX 788
 INDIANA, PA 15701-0788
 (724) 357-7167
- 33607
 INSIGHT DIAGNOSTICS, LLC—C
 357 RIVERSIDE DR SUITE 1004
 FRANKLIN, TN 37064
 (615) 465-6529
- 33604
 INTEGRALABS, INC—C
 7020 KIT CREEK ROAD SUITE 240
 RESEARCH TRIANGLE PARK, NC 27709
 (423) 328-0527
- 00135
 J C BLAIR MEMORIAL HOSPITAL—S
 1225 WARM SPRINGS AVENUE
 HUNTINGDON, PA 16652
 (814) 643-8645
- 00054
 JAMESON MEMORIAL HOSPITAL—S
 1211 WILMINGTON AVENUE
 NEW CASTLE, PA 16105
 (724) 656-4080
- 00240
 JEANES HOSPITAL—S
 7600 CENTRAL AVE
 PHILADELPHIA, PA 19111
 (215) 728-2347
- 00038
 JEFFERSON REGIONAL MED CTR—S
 PO BOX 18119, 565 COAL VALLEY ROAD
 PITTSBURGH, PA 15236
 (412) 469-5723
- 00200
 JENNERSVILLE REGIONAL HOSPITAL—S
 1015 WEST BALTIMORE PIKE
 WEST GROVE, PA 19390
 (610) 869-1080
- 00312
 JERSEY SHORE HOSPITAL—S
 1020 THOMPSON STREET
 JERSEY SHORE, PA 17740
 (570) 398-0100
- 21306
 LAB CORP OCCUPATIONAL TEST SRVCS—SC
 1120 STATELINE ROAD WEST
 SOUTHAVEN, MS 38671
 (886) 827-8042
- 20512
 LABCORP OCCUPATIONAL TESTING SER—SC
 1904 ALEXANDER DRIVE PO BOX 12652
 RESEARCH TRIANGLE PARK, NC 27709
 (919) 572-6900
- 01088
 LABCORP OF AMERICA HOLDINGS—SC
 69 FIRST AVENUE PO BOX 500
 RARITAN, NJ 08869
 (908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET, PO BOX 3555
LANCASTER, PA 17604
(717) 544-4331

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE, PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4933

32311
LEBANON PAIN RELIEF—S
918 RUSSELL DRIVE
LEBANON, PA 17042

00010
LEHIGH VALLEY HOSPITAL-HAZLETON—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152

00030
LOCK HAVEN HOSPITAL—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00242
MAIN LINE HOSPITALS LAB-LANKENAU—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00199
MAIN LINE HOSPITALS LAB-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HOSPITALS LAB-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

27684
MARWORTH—S
BOX 36 LILLY LAKE ROAD
WAVERLY, PA 18471
(570) 563-1112

09003
MAYO CLINIC LABS-ROCHESTER MAIN
CAMPUS—SC
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 538-6449

00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000

05574
MEDTOX LABORATORIES INC—SC
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
YORK, PA 17403
(717) 843-8623

00023
MEMORIAL HOSPITAL LAB—S
91 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181

00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
EAST NORRITON, PA 19401
(610) 292-6501

28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 955-3941

00269
MID-VALLEY HOSPITAL—S
1400 MAIN STREET
PECKVILLE, PA 18452
(570) 383-5520

31050
MILLENIUM LABORATORIES—SC
16981 VIA TAZON, SUITE F
SAN DIEGO, CA 92127
(858) 451-3535

00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE PO BOX 689
HASTINGS, PA 16646
(814) 247-3200

28907
MIRMONT TREATMENT CENTER—S
100 YEARSLEY MILL ROAD
LIMA, PA 19063
(484) 227-1426

00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD ATTN: LAB
ELKINS PARK, PA 19027
(215) 456-6150

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SC
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 366-1222

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

27246
NORCHEM DRUG TESTING LABORATORY—SC
1760 EAST ROUTE 66, SUITE 1
FLAGSTAFF, AZ 86004
(928) 526-1011

29741
NORTHERN TIER RESEARCH—SC
1302 MADISON AVE
DUNMORE, PA 18509
(570) 209-7913

30984
OFFICE OF THE DISTRICT ATTORNEY—S
37 E HIGH STREET, FORENSIC LAB
CARLISLE, PA 17013
(717) 240-6526

00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

31798
PAIN CONTROL CENTER OF PITTSBURGH—S
3627 BROADHEAD ROAD
MONACA, PA 15061
(724) 728-7880

00334
PALMERTON HOSPITAL—S
135 LAFAYETTE AVENUE
PALMERTON, PA 18071
(610) 826-1100

31516
PAML LLC—SC
110 W. CLIFF AVENUE
SPOKANE, WA 99202
(509) 755-8645

00250
PARKWAY CLINICAL LABORATORIES—S
3494 PROGRESS DRIVE, SUITE D
BENSALEM, PA 19020
(215) 245-5112

33054
PATHOLOGY LABORATORIES, INC.—S
1946 NORTH 13TH STREET
TOLEDO, OH 43604
(419) 255-4600

33194
PEACHSTATE HEALTH MANAGEMENT—C
2225 CENTENNIAL DRIVE
GAINESVILLE, GA 30504
(678) 276-8412

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SC
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

31082
PHAMATECH INC—SC
10151 BARNES CANYON ROAD
SAN DIEGO, CA 92121
(858) 643-5555

32887
PHOENIX TOXICOLOGY & LAB SERVICES—C
2320 W PEORIA AVE SUITE D-132
PHOENIX, AZ 85029
(602) 374-4097

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

31965
PHYSICIANS CHOICE LABORATORY SERVICES,
LLC—SC
854 PARAGON WAY
ROCK HILL, SC 29730
(336) 407-1499

32215
PHYSICIANS TOXICOLOGY LABORATORY, LLC—SC
4433 MANCHESTER ROAD
KALAMAZOO, MI 49001
(239) 269-0035

00157
PINNACLE HEALTH AT COMMUNITY GENERAL
HOSPITAL—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340

33480
PINNACLE HEALTH WEST SHORE HOSPITAL
LABORATORY—S
1995 TECHNOLOGY PARKWAY
MECHANICSBURG, PA 17050
(717) 782-3582

33621
PITTSBURGH DRUG SCREENING LAB—S
440 ROSS STREET
PITTSBURGH, PA 15219

00022
POCONO MEDICAL CENTER LAB—S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7130

33487
PRECISION TOXICOLOGY—SC
3030 BUNKER HILL SUITE 201
SAN DIEGO, CA 92109

31800
PREMIER PAIN, SPINE AND SPORTS MEDICINE
PC—S
391 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 872-9800

21648
PSYCHEMEDICS CORPORATION—SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
(800) 522-7424

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820

32205
QDX PATHALLIANCE, PC—S
70 JACKSON DRIVE UNIT H3
CRANFORD, NJ 07016

22715
QUEST DIAGNOSTICS—SC
10101 RENNEN BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

31399
QUEST DIAGNOSTICS—SC
1777 MONTREAL CIRCLE ES/F1 2
TUCKER, GA 30084
(770) 936-5007

00315
QUEST DIAGNOSTICS CLINICAL LABS INC—SC
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

27461
QUEST DIAGNOSTICS INC—SC
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4502

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC
14225 NEWBROOK DRIVE PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—SC
875 GREENTREE ROAD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SC
875 GREENTREE ROAD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

24249
QUINTILES LABORATORIES LTD—S
1600 TERRELL MILL ROAD SUITE 100
MARIETTA, GA 30067
(770) 373-3500

00150
READING HOSPITAL LABORATORY—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(484) 628-8615

25348
REDWOOD TOXICOLOGY LABORATORY—SC
3650 WESTWIND BOULEVARD
SANTA ROSA, CA 95403
(707) 577-7958

00336
REGIONAL HOSPITAL OF SCRANTON—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100

33170
RIVER CROSSING LABS LLC—SC
4115 W. SPRUCE STREET
TAMPA, FL 33607
(813) 884-8200

00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394

30821
RXTOX INC—SC
51 PROF PLAZA, 850 CLAIRTON BLVD, SUITE 1300
PITTSBURGH, PA 15236
(412) 460-1310

00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS ATTN LAB DEPT
ALLENTOWN, PA 18102
(610) 776-4727

00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900

- 00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558
- 00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162
- 29838
SAN DIEGO REFERENCE LABORATORY—SC
6565 NANCY RIDGE DRIVE
SAN DIEGO, CA 92121
(800) 677-7995
- 00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032
- 00183
SCHUYLKILL MC S JACKSON ST—S
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262
- 28471
SECON OF LOUISIANA—S
825 KALISTE SALOOM RD, BRANDYWINE 1
SUITE 100
LAFAYETTE, LA 70508
(337) 235-3712
- 29038
SECON OF NEW ENGLAND—SC
415 MAIN STREET 4TH FLOOR
WORCESTER, MA 01608
(508) 831-0703
- 00064
SHARON REGIONAL HEALTH SYSTEM—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911
- 00421
SKIPPACK MEDICAL LABORATORY—S
3887 SKIPPACK PIKE
SKIPPACK, PA 19474
(610) 584-1669
- 27649
SMA MEDICAL LABORATORIES—S
940 PENNSYLVANIA BOULEVARD UNIT E
FEASTERVILLE, PA 19053
(215) 322-6590
- 00039
SOLDIERS & SAILORS MEM HOSP—S
32-36 CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133
- 00297
SOMERSET HOSPITAL CENTER FOR HEALTH—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000
- 00105
SOUTHWEST REGIONAL MEDICAL CENTER—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 267-2640
- 00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
DEPT OF PATHOLOGY & LAB MEDICINE
PHILADELPHIA, PA 19134
(215) 427-4207
- 00151
ST JOSEPH QUALITY MEDICAL LAB—SC
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00261
ST JOSEPH'S HOSPITAL-DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8724
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET PO BOX 67
COALDALE, PA 18218
(570) 645-8271
- 29015
STERLING HEALTHCARE HOLDINGS, LLC—SC
2617 EAST L STREET #A
TACOMA, WA 98421-2205
(253) 552-1551
- 00187
SUNBURY COMMUNITY HOSPITAL—S
350 NORTH 11TH STREET
SUNBURY, PA 17801
(570) 286-3492
- 31474
TASC INC—SC
2234 N 7TH STREET
PHOENIX, AZ 85006
(602) 257-7588
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4353
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
DEPT OF PATH & LAB MED—2ND FL. OPB RM 249
PHILADELPHIA, PA 19140
(215) 707-4353
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143

00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET 204 PAVILLION
PHILADELPHIA, PA 19107
(215) 955-3941

00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851

32914
TRIDENT LABORATORIES, INC.—S
6011 RODMAN STREET #107
HOLLYWOOD, FL 33023
(954) 304-1293

00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705

00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384

00119
UPMC ALTOONA LAB—S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340

00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3555

32389
UPMC EAST PATHOLOGY LABORATORY—S
2775 MOSSIDE BLVD.
GROUND FLOOR, ROOM 0304
MONROEVILLE, PA 15146
(412) 357-3682

00046
UPMC HAMOT—S
201 STATE STREET
ERIE, PA 16550
(814) 877-2463

00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100

00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500

00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233

00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831

00058
UPMC NORTHWEST—S
100 FAIRFIELD DRIVE
SENECA, PA 16346
(814) 676-7120

05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC
UPMC CLINICAL LABORATORY BUILDING
3477 EULER WAY
PITTSBURGH, PA 15213
(412) 647-5855

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
LABORATORY
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

33106
US ACCUSCREEN, LLC—SC
3365 CYPRESS MILL ROAD #9
BRUNSWICK, GA 31520
(912) 265-9277

27225
US DRUG TESTING LABORATORIES INC—SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
(847) 375-0770

33357
UTC LABORATORIES, LLC—SC
1441 CANAL STREET, SUITE 401
NEW ORLEANS, LA 70112

00335
VALLEY FORGE MED CTR & HOSP—S
1033 W GERMANTOWN PIKE
NORRISTOWN, PA 19403
(610) 539-8500

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00018
WBGH COMMONWEALTH HEALTH LAB SVS—SC
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00095
WEST PENN HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT REGIONAL MEDICAL CENTER—S
700 HIGH STREET
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1402. Filed for public inspection July 3, 2014, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under The Clinical Laboratory Act

The following laboratories are licensed in accordance with The Clinical Laboratory Act (35 P. S. §§ 2151–2165) and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is reportable. Approved laboratories that offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories:

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the [Department's] Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the [Department's] Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter (µg/dL) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests of 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests of less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. James R. Lute, Assistant Bureau Director, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. James R. Lute at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

31609
ACCU REFERENCE MEDICAL LABATORY—L
1901 EAST LINDEN AVENUE
SUITE 4
LINDEN, NJ 07036
(908) 474-1004

22912
ACL LABORATORIES—LP
8901 WEST LINCOLN AVE
WEST ALLIS, WI 53227
(414) 328-7945

00016
ANGELINE KIRBY MEM HEALTH CENTER—L
71 NORTH FRANKLIN STREET
WILKES-BARRE, PA 18701
(570) 822-4278

21613
ARUP LABORATORIES INC—L
500 CHIPETA WAY
SALT LAKE CITY, UT 84108
(800) 242-2787

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—LP
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

22757
BIOREFERENCE LABORATORIES INC—L
481B EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600

20506
CENTRAL PA ALLIANCE LABORATORY—L
1803 MT ROSE AVENUE SUITE C3-C4
YORK, PA 17403
(717) 851-1426

00228
CHILDRENS HOSP OF PHILADELPHIA—L
3401 CIVIC CENTER BLVD.
MAIN BLDG.—5TH FLOOR—ROOM 5135
PHILADELPHIA, PA 19104
(215) 590-4446

31847
DOCTOR'S DATA, INC.—L
3755 ILLINOIS AVENUE
ST. CHARLES, IL 60174-2420
(630) 377-8139

00561
EAST PENN MFG CO INC—LP
DEKA RD KELLER TECH CENTER PO BOX 147
LYONS STATION, PA 19536
(610) 682-6361

00332
ELLWOOD CITY HOSPITAL—LP
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

31378
ENZO CLINICAL LABS—L
60 EXECUTIVE BLVD
FARMINGDALE, NY 11735
(631) 755-5500

00173
GEISINGER MEDICAL CENTER—L
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338

25914
GENOVA DIAGNOSTICS—L
63 ZILICOA STREET
ASHEVILLE, NC 28801
(828) 253-0621

32839
GENOVA DIAGNOSTICS—L
3425 CORPORATE WAY
DULUTH, GA 30096
(678) 638-2918

00654
GUTHRIE MEDICAL GROUP LABORATORIES—L
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 887-5797

24655
HEALTH NETWORK LABORATORIES—L
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

05618
LAB CORP OF AMERICA HOLDINGS—LP
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300

21885
LAB CORP OF AMERICA HOLDINGS—LP
1447 YORK COURT
BURLINGTON, NC 27215
(800) 334-5161

01088
LABCORP OF AMERICA HOLDINGS—LP
69 FIRST AVENUE PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

00242
MAIN LINE HOSPITALS LAB-LANKENAU—L
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

29685
MAYO CLINIC LABS-ROCH SUPERIOR DR—L
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-6449

29251
MAYO MEDICAL LABORATORIES NEW
ENGLAND—LP
160 DASCUMB ROAD
ANDOVER, MA 01810
(978) 658-3600

24668
MCMURRAY PEDIATRIC & ADOLESCENT
MEDICINE—L
6000 WATERDAM PLAZA DRIVE #280
MCMURRAY, PA 15317
(724) 941-8199

20802
MERITUS MEDICAL LABORATORY, LLC—L
11110 MEDICAL CAMPUS RD STE 230
HAGERSTOWN, MD 21742
(301) 790-8670

00504
NATIONAL MED SVCS INC/DBA NMS LABS—LP
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 366-1222

30553
NATIONWIDE CHILDRENS HOSPITAL—LP
CORE LAB AND LAB INFORMATION SYSTEMS
700 CHILDRENS DRIVE
COLUMBUS, OH 43205
(614) 722-5376

23801
PACIFIC TOXICOLOGY LABORATORIES—LP
9348 DE SOTO AVENUE
CHATSWORTH, CA 91311
(818) 598-3110

31516
PAML LLC—L
110 W. CLIFF AVENUE
SPOKANE, WA 99204
(509) 755-8645

02125
PED ALLIANCE ST CLAIR PED DIV—L
1580 MCLAUGHLIN RUN ROAD
PINERIDGE COMMONS SUITE 208
UPPER ST CLAIR, PA 15241
(412) 221-2121

22533
PENNSYLVANIA DEPT OF HEALTH—LP
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

00022
POCONO MEDICAL CENTER LAB—L
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00324
PRIMARY HEALTH CARE SERVICES INC—L
7227 HAMILTON AVE
PITTSBURGH, PA 15208
(412) 244-4728

00255
PUBLIC HEALTH LAB CITY OF PHILA—L
500 SOUTH BROAD STREET ROOM 359
PHILADELPHIA, PA 19146
(215) 685-6501

22715
QUEST DIAGNOSTICS—LP
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

00669
QUEST DIAGNOSTICS INCORPORATED—LP
ONE MALCOLM AVENUE
TETERBORO, NJ 07608
(201) 393-5895

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP
14225 NEWBROOK DRIVE PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—L
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—LP
875 GREENTREE ROAD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—LP
875 GREENTREE ROAD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00150
READING HOSPITAL LABORATORY—L
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(484) 628-8615

31527
SHIEL MEDICAL LABORATORY—L
63 FLUSHING AVENUE
BROOKLYN NAVY YARD UNIT 336
BROOKLYN, NY 11205
(718) 552-1000

27649
SMA MEDICAL LABORATORIES—L
940 PENNSYLVANIA BOULEVARD UNIT E
FEASTERVILLE, PA 19053
(215) 322-6590

00151
ST JOSEPH QUALITY MEDICAL LAB—L
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

32074
UNITED MEDICAL LABORATORY INC.—L
495 N 13TH STREET
NEWARK, NJ 07107

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—L
UPMC CLINICAL LABORATORY BUILDING
3477 EULER WAY
PITTSBURGH, PA 15213
(412) 647-5855

00018
WBGH COMMONWEALTH HEALTH LAB SVS—L
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

26198
WRIGHT CENTER MEDICAL GROUP, PC—L
5 SOUTH WASHINGTON AVENUE
JERMYN, PA 18433
(570) 383-9934

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1403. Filed for public inspection July 3, 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):

Bucktail Medical Center
1001 Pine Street
Renovo, PA 17764
FAC ID # 549602

Golden LivingCenter—Doylestown
432 Maple Street
Doylestown, PA 18901
FAC ID # 040502

The Hearthside Rehabilitation and Nursing Center
450 Waupelani Drive
State College, PA 16801
FAC ID # 940502

Mountain View, A Nursing and Rehabilitation Center
2050 Trevorton Road
Coal Township, PA 17866
FAC ID # 390302

Nottingham Village
58 Neitz Road, P. O. Box 32
Northumberland, PA 17857
FAC ID # 401002

Ohesson Manor
276 Green Avenue
Lewistown, PA 17044
FAC ID # 151202

Philadelphia Nursing Home
Girard and Corinthian Avenues
Philadelphia, PA 19130
FAC ID # 163902

Rockhill Mennonite Community
3250 State Road
Sellersville, PA 18960
FAC ID # 182802

Twining Hall
280 Middle Holland Road
Holland, PA 18966
FAC ID # 071202

Vibra Rehabilitation Center
707 Shepherdstown Road
Mechanicsburg, PA 17055
FAC ID # 069302

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Sugar Creek Station Skilled Nursing and Rehabilitation Complex
351 Causeway Drive
Franklin, PA 16323
FAC ID # 220602

UPMC McKeesport
1500 Fifth Avenue
McKeesport PA 15132
FAC ID # 650402

UPMC Northwest Transitional Care Unit
100 Fairfield Drive
Seneca, PA 16346
FAC ID # 151002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

Manchester Commons
6351 West Lake Road
Erie, PA 16505
FAC ID # 075602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c)(3):

Frey Village
1020 North Union Street
Middletown, PA 17057-2199
FAC ID # 062102

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. 14-1404. Filed for public inspection July 3, 2014, 9:00 a.m.]

Vehicle, Equipment and Supply Requirements for Ground and Air Ambulances

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), the Department of Health (Department) has the authority to publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction and equipment and supply requirements for emergency medical services (EMS) agencies based upon the types of services they provide and the EMS vehicles they operate. Under to this section, EMS agencies must have the required equipment and supplies readily available, in working order and carried on their EMS vehicles.

A. Vehicle Standards

Basic life support (BLS) ambulances, Advanced life support (ALS) ambulances, ALS squad vehicles and air ambulances shall continue to meet vehicle standards as published at 41 Pa.B. 2296 (April 30, 2011).

B. Equipment and Supply Standards

BLS ambulances, ALS ambulances, ALS squad vehicles and air ambulances shall continue to meet equipment and supply standards as published at 41 Pa.B. 2296.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact George Aupperlee, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Speech or hearing impaired persons may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1405. Filed for public inspection July 3, 2014, 9:00 a.m.]

Vehicle, Equipment and Supply Requirements for Quick Response Services

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), an emergency medical services agency that is licensed to operate as a quick response service (QRS) by the Department of Health (Department) under 28 Pa. Code §§ 1027.1 and 1027.32 (relating to general provisions; and quick response service), as well as an applicant for an emergency medical services agency license to operate as a QRS, shall maintain and have readily available in working order the following vehicle, equipment and supply requirements. This notice supersedes the notice published at 41 Pa.B. 3274 (June 25, 2011).

A. Vehicle Requirements

Although a QRS is not required to have a vehicle to respond to emergencies, if it does, the vehicle being used on the highways of this Commonwealth must conform to all applicable requirements of 75 Pa.C.S. (relating to Vehicle Code). If the QRS will not be using a vehicle, it must provide information to the Department on how it will transport its personnel and its equipment and supplies to the scene of an emergency.

B. Required Equipment and Supplies

The following equipment and supplies must be carried and readily available and in working order for use by a QRS.

1. Portable suction unit with wide-bore tubing. The unit must achieve a vacuum of 300 mm/Hg or 11.8" of water in 4 seconds.
2. Suction catheters:
 - Pharyngeal (2).
3. Airways:
 - a. Nasopharyngeal (5 different sizes to include at least one between size 16-24 fr. and one between size 26-34 fr.).
 - b. Oropharyngeal (6 different sizes to include at least one size 0-1, one 2-3 and one size 4-5).
4. Sphygmomanometer:
 - Child, Adult and Thigh (large) (1 each). Interchangeable gauges are permitted.
5. Stethoscope:
 - Adult (1) and Pediatric (1).
6. Penlight (1).
7. Portable Oxygen Unit (1):
 - Cylinder with a capacity of at least 300-liters, (D size) with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi.
8. Gauge/flow meter not gravity dependent and capable of delivering 0-25 liters per minute.
9. Nonsparking wrench/tank opening device.
10. Full spare cylinder with a 300-liter capacity.
11. Oxygen Delivery Devices:
 - a. Nasal cannula, adult and pediatric (1 each).
 - b. High concentration mask capable of providing 80% or greater concentration—adult, pediatric and infant (1 each).
 - c. Pocket mask with one-way valve and oxygen port (1).
 - d. Bag-valve-mask devices—hand operated adult (1) and hand operated infant/pediatric (450-700cc) (1) that must be capable of high concentration oxygen delivery with adult and pediatric masks.
12. Dressings:
 - a. Multi trauma (10" x 30") (2).
 - b. Occlusive (3" x 4") (4).
 - c. Sterile gauze pads (3" x 3") (12).
 - d. Soft self-adhering (4 rolls).
13. Adhesive tape:
 - 4 rolls assorted, one of which must be hypoallergenic.
14. Sterile burn sheet (4' x 4') (2).
15. Triangular bandages (4).
16. Commercial Tourniquet (1).
17. Bandage shears (1).
18. Regional Approved Triage tags (20).
19. Blankets (2).
20. Instant glucose (40% dextrose-d-glucose gel) 45 grams.
21. Emergency BLS Jump Kit (1).

22. Personal Protective Equipment (PPE):

Helmet, eye protection and high-visibility safety apparel (1 per provider).

23. Emergency Response Guidebook published by the United States Department of Transportation, current edition.

24. Radio communications equipment:

Equipment, per regional requirements, capable of communicating with a public safety answering point (PSAP) and ambulance services within the response areas of the QRS. A cellular phone may only be used as a backup means of communication.

25. Automated External Defibrillator (AED).

26. Personal Infection Control Kit set for each crew member, consisting of:

a. Eye protection, clear disposable (1 per crew member).

b. Patient Exam/Treatment Gloves (1 set per crew member).

c. Face Mask, disposable (N-95, 1 per crew member).

27. Infection control plan as part of licensure.

28. Alcohol based hand disinfectant—Nonwater hand cleaner/disinfectant (1 container).

29. Copy of most current appropriate version Statewide EMS Protocols.

All equipment that may be used in direct contact with patients must be reasonably clean and easily cleaned of blood and body fluids. No drugs, medications or supplies may be carried beyond an expiration date assigned to it.

C. *Recommendation Regarding Latex*

Some patients and QRS personnel may have an allergy to latex. It is recommended, but not required, that when possible, latex free supplies and equipment should be carried.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact George Aupperlee, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Persons with speech or hearing impairment may telephone V/TT (717) 783-6154 or use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1406. Filed for public inspection July 3, 2014, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Designated Exceptional Durable Medical Equipment

In accordance with the Department of Public Welfare's (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional Durable Medical Equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested

persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2013, the Department received one written request for an addition to the list of exceptional DME. The request was to add the LifeVest/Wearable Cardiac Defibrillator (LifeVest) to the list of exceptional DME. The Department found, after discussions with cardiologists and the manufacturer of LifeVest, that the LifeVest is generally used only in a hospital as a short-term solution (average of 3 to 10 days) for residents with an above average risk for ventricular fibrillation (sudden death) since the usual standard of cardiac care in this type of resident is to implant a pacemaker/defibrillator. The Department also found that the LifeVest is not offered for sale and is available only on a rental basis with a rental cost of approximately \$2,000 per month.

Upon review, the Department determined that the use of the LifeVest would not meet the acquisition cost of \$5,000 or more necessary to qualify as an item of exceptional DME. In addition, the Department determined that the LifeVest does not meet the criteria to qualify as an item of "Specially Adapted DME" since the vest is not substantially adapted or modified in a way to meet the needs of a specific resident and, therefore, is suitable for the contemporaneous use by numerous other persons. Further, the Department has decided that the request for the addition of the unconventional use of the LifeVest in a nursing facility setting as a separate category of exceptional DME is unwarranted at this time. Accordingly, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for

alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

- (d) A surface designed to reduce friction and shear.
- (e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices.* Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit petitions for the Department to consider additions to the Exceptional DME list or written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-879. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-1407. Filed for public inspection July 3, 2014, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 2013 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2013. These factors are the mathematical reciprocals of

the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2014, to June 30, 2015, except as indicated below. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>CLR Factor</i>
Adams	.82
Allegheny	1.10
Armstrong	2.38
Beaver	3.41
Bedford	1.05
Berks	1.31
Blair	6.99
Bradford	3.13
Bucks	9.26
Butler	8.77
Cambria	3.60
Cameron	2.19
Carbon	2.11
Centre	3.46
Chester	1.73
Clarion	3.89
Clearfield	6.85
Clinton	1.11
Columbia	3.61
Crawford	2.56
Cumberland	.99
Dauphin	1.35
Delaware	1.47
Elk	1.96
Erie	1.04
Fayette	1.26
Forest	4.78
Franklin	6.90
Fulton	2.30
Greene	1.26
Huntingdon	3.64
Indiana	5.03
Jefferson	2.07
Juniata	4.95
Lackawanna	4.72
Lancaster	1.26
Lawrence	1.11
Lebanon	.93
Lehigh	.97
Luzerne	.94
Lycoming	1.33
McKean	1.14

<i>County</i>	<i>CLR Factor</i>	<i>County</i>	<i>CLR Factor</i>
Mercer	3.17	Tioga	1.47
Mifflin	2.10	Union	1.28
Monroe	4.27	Venango	1.09
Montgomery	1.74	Warren	2.46
Montour	1.22	Washington	9.17
Northampton	2.84	Wayne	1.17
Northumberland	3.30	Westmoreland	5.18
Perry	1.03	Wyoming	5.43
Philadelphia	(1) 1.00	York	1.14
Pike	4.33		
Potter	2.75		
Schuylkill	2.24		
Snyder	5.85		
Somerset	2.66		
Sullivan	1.51		
Susquehanna	3.03		

(1) Adjusted by the State Tax Equalization Board (STEB) to reflect an assessment base change effective January 1, 2014.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-1408. Filed for public inspection July 3, 2014, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Arndt Kliche	Kliche Pond 41°44.3193 75°21.7057	Mount Pleasant Wayne County	18-acre lake which discharges into an Unnamed Tributary to the West Branch Dyberry Creek	<i>Elodea Canadensis</i> <i>Utricularia spp</i> <i>Potamogeton spp.</i>

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 14-1409. Filed for public inspection July 3, 2014, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Tuesday, July 8, 2014—Executive Committee Meeting at 12 p.m. and Thursday, July 10, 2014—Council Meeting at 10 a.m.

The meetings will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting should contact Renee Greenawalt at (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 14-1410. Filed for public inspection July 3, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 19, 2014, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective June 18, 2014

Department of Public Welfare #14-536: Rate Setting for County Nursing Facilities that Change Ownership (amends 55 Pa. Code §§ 1187.2, 1187.97 and 1189.2)

Action Taken—Regulations Approved:

Pennsylvania Higher Education Assistance Agency #58-24: Student Financial Aid (amends 22 Pa. Code Chapter 121)

Environmental Hearing Board #106-10: Practice and Procedure (amends 25 Pa. Code Chapter 1021)

Philadelphia Parking Authority #126-6: Taxicab Medallion Sales (adds 52 Pa. Code Chapter 1013, Subchapter C)

Approval Order

Public Meeting Held
June 19, 2014

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Dennis A. Watson, Esq.

*Pennsylvania Higher Education Assistance Agency—
Student Financial Aid;
Regulation No. 58-24 (#3020)*

On August 22, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Higher Education Assistance Agency (PHEAA). This rulemaking amends 22 Pa. Code Chapter 121. The proposed regulation was published in the October 26, 2013, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 25, 2014. This final-form regulation was tolled and simultaneously resubmitted by PHEAA on June 3, 2014, to correct the formatting of amendments and to make a minor amendment to the Preamble.

This regulation updates the requirements and definitions in Chapter 121 Student Financial Aid to comply with current standards for student and institutional eligibility for the Pennsylvania Higher Education Grant Program.

We have determined this regulation is consistent with the statutory authority of PHEAA (24 P. S. § 5156) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 19, 2014

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Dennis A. Watson, Esq.

*Environmental Hearing Board—
Practice and Procedure;
Regulation No. 106-10 (#3008)*

On April 26, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (Board). This rulemaking amends 25 Pa. Code Chapter 1021. The proposed regulation was published in the May 11, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 30, 2014.

This rulemaking amends existing practice and procedure regulations from the Board. It requires electronic filing and service in nearly all matters and provides more specific guidance to parties on how to present their interests before the Board.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 7515(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 19, 2014

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Dennis A. Watson, Esq.

*Philadelphia Parking Authority—
Taxicab Medallion Sales by the Authority;
Regulation No. 126-6 (#3039)*

On October 29, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Philadelphia Parking Authority (Authority). This rulemaking adds 52 Pa. Code Chapter 1013, Subchapter C. The proposed regulation was published in the November 9, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 8, 2014.

This regulation implements Act 119 of 2012 by establishing the public bidding process to sell taxicab medallions.

We have determined this regulation is consistent with the statutory authority of the Philadelphia Parking Authority (53 Pa.C.S.A. §§ 5711 and 5722) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1411. Filed for public inspection July 3, 2014, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#74-1	Department of Drug and Alcohol Programs Standards for Licensure of Freestanding Treatment Facilities	6/20/14	7/24/14

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#74-2	Department of Drug and Alcohol Programs Drug and Alcohol Facilities and Services	6/20/14	7/24/14

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1412. Filed for public inspection July 3, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Millville Mutual Insurance Company; file no. 14-116-165139; Robert C. Smiley; Doc. No. P14-06-010; July 29, 2014, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1413. Filed for public inspection July 3, 2014, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Rate Increase Filing for LTC Form 97058PA

State Farm Mutual Automobile Insurance Company is requesting approval to increase the premium an aggregate 37% on 1,109 policyholders with forms 97058PA.

Unless formal administrative action is taken prior to September 18, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1414. Filed for public inspection July 3, 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 July 21, 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-2014-2412290. Yakeema Gamble, t/a Love 1's Transportation (P. O. Box 161, Norwood, PA 19074) persons in paratransit service, from points in the City and County of Philadelphia, to all correctional facilities in Pennsylvania, and return.

A-2014-2422265. Mega Transportation Service, LLC (1320 Lincoln Avenue, Apt. 44, Prospect Park, PA 19076) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties of Delaware and Montgomery, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2014-2422512. Cornerstone Medical Transport, LLC (3705 West School House Lane, Philadelphia, PA 19129) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons that require a wheelchair van transport, between points in Philadelphia, Bucks, Montgomery and Delaware Counties.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-2014-2421548. Cindy's Carriages, LLC (11 Sunridge Drive, Coraopolis, PA 15108) for the additional right, to transport by motor vehicle, persons, upon call or demand, to include a 20-mile radius centered on the intersection of 10th Street and East Carson Street, Pittsburgh, Allegheny County.

Applications 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 each application.*

A-2014-2412434. Silver Spring Ambulance and Rescue Association, t/d/b/a Metro Med Services (12 Eleanor Drive, New Kingston, Cumberland County, PA 17072)—a corporation of the Commonwealth of Pennsylvania—discontinuance of service and cancellation of its certificate—persons in paratransit service, between points

in the Counties of Cumberland, Dauphin, Perry and York and from points in said counties, to points in Pennsylvania, and return.

A-2014-2423301. 903 Rentals, Inc. (1358 State Route 903, Jim Thorpe, Carbon County, PA 18229)—discontinuance of service and cancellation of its certificate—persons in limousine service, in the County of Carbon, to points in Pennsylvania, and return.

A-2014-2424372. Vernon A. Leslie, Jr. (6066 Limeville Road, Parkesburg, Chester County, PA 19365)—discontinuance of service and cancellation of his certificate—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1415. Filed for public inspection July 3, 2014, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

August 27, 2014 Mary Jane Schneider 1 p.m.
(Out-of-State Purchase of
Service)

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 14-1416. Filed for public inspection July 3, 2014, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June Meeting

As part of its regular business meeting held on June 5, 2014, in Entriiken, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) accepted settlements instead of penalty from Somerset Regional Water Resources, LLC, Susquehanna Gas Field Services, LLC and Tioga Downs Racetrack, LLC; and 3) took additional actions, as set forth in the Supplementary Information as follows.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436, rcairo@srbc.net; or regular mail inquiries may be sent to Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. See also the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) an informational presentation from the United States Army Corps of Engineers supervisory park ranger Jude Harrington on the Raystown Lake project; 2) election of the member from New York State as Chair of the Commission and the member from the Commonwealth of Pennsylvania as the Vice Chair of the Commission for the period of July 1, 2014, to June 30, 2015; 3) adoption of the Fiscal Year (FY) 2015-2016 Water Resources Program; 4) adoption of the American Eel Restoration Plan for the Susquehanna River Basin; 5) amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; 6) adoption of revisions to the Commission's Information Technology Services Fee Schedule; 7) amendments to a Regulatory Program Fee Schedule, effective July 1, 2014; 8) adoption of an FY 2015-2016 budget for the period July 1, 2015, to June 30, 2016; and 9) approval of two grants.

Compliance Matters

The Commission approved settlements instead of civil penalty for the following projects:

1. Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, PA—\$12,000.

2. Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA—\$2,500.

3. Tioga Downs Racetrack, LLC, Town of Nichols, Tioga County, NY—\$62,000

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, PA. Groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6.

2. Project Sponsor and Facility: Healthy Properties, Inc. (Sugar Creek), North Towanda Township, Bradford County, PA. Renewal and modification to increase surface

water withdrawal by an additional 0.549 mgd (peak day), for a total of up to 0.999 mgd (peak day) (Docket No. 20100308).

3. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, PA. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20100311).

4. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 1.498 mgd (peak day) (Docket No. 20100309).

5. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Pine Creek), Watson Township, Lycoming County, PA. Renewal of surface water withdrawal of up to 0.918 mgd (peak day) (Docket No. 20100610).

6. Project Sponsor and Facility: Pro-Environmental, LLC (Martins Creek), Lathrop Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd (peak day).

7. Project Sponsor and Facility: Southwestern Energy Production Company (Susquehanna River), Great Bend Township, Susquehanna County, PA. Surface water withdrawal of up to 3.000 mgd (peak day).

8. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Bowman Creek), Eaton Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20100310).

9. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC, Meshoppen Borough, Wyoming County, PA. Renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Meshoppen Pizza Well (Docket No. 20100612).

10. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Susquehanna River), Meshoppen Township, Wyoming County, PA. Surface water withdrawal of up to 1.650 mgd (peak day).

11. Project Sponsor and Facility: Talisman Energy USA, Inc. (Fall Brook), Troy Township, Bradford County, PA. Renewal and modification of surface water withdrawal of up to 0.176 mgd (peak day) (Docket No. 20100304).

12. Project Sponsor and Facility: Talisman Energy USA, Inc. (Unnamed Tributary to the North Branch Sugar Creek), Columbia Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.926 mgd (peak day) (Docket No. 20100305).

Project Application Approved Involving a Diversion

1. Project Sponsor: EOG Resources, Inc. Project Facility: Blue Valley Abandoned Mine Drainage Treatment Plant, Horton Township, Elk County, PA. Renewal of into-basin diversion from the Ohio River Basin of up to 0.322 mgd (peak day) (Docket No. 20100616).

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: IBM Corporation, Village of Owego, Tioga County, NY. Application for groundwater withdrawal of up to 0.002 mgd (30-day average) from Well 415.

2. Project Sponsor and Facility: Jay Township Water Authority, Jay Township, Elk County, PA. Application for

groundwater withdrawal of up to 0.265 mgd (30-day average) from Byrnedale Well #1.

3. Project Sponsor: Leola Sewer Authority. Project Facility: Upper Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.075 mgd (30-day average) from Well 13 (Docket No. 19820601).

4. Project Sponsor and Facility: Newport Borough Water Authority, Oliver Township, Perry County, PA. Application for groundwater withdrawal of up to 0.162 mgd (30-day average) from Well 1.

5. Project Sponsor: Pennsylvania Department of Environmental Protection—Southcentral Regional Office, City of Harrisburg, Dauphin County, PA. Facility Location: Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.576 mgd (30-day average) from Stoltzfus Well.

6. Project Sponsor: Pennsylvania Department of Environmental Protection—Southcentral Regional Office, City of Harrisburg, Dauphin County, PA. Facility Location:

Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Township Well.

Project Application Withdrawn

The following project application was withdrawn by the project sponsor:

1. Project Sponsor and Facility: Southwestern Energy Production Company (Martins Creek), Brooklyn and Harford Townships, Susquehanna County, PA. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20110312).

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: June 20, 2014.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 14-1417. Filed for public inspection July 3, 2014, 9:00 a.m.]

