

# PENNSYLVANIA BULLETIN

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Department of Conservation and Natural  
Resources

Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Public Welfare

Department of Transportation

Fish and Boat Commission

Insurance Department

Patient Safety Authority

Pennsylvania Gaming Control Board

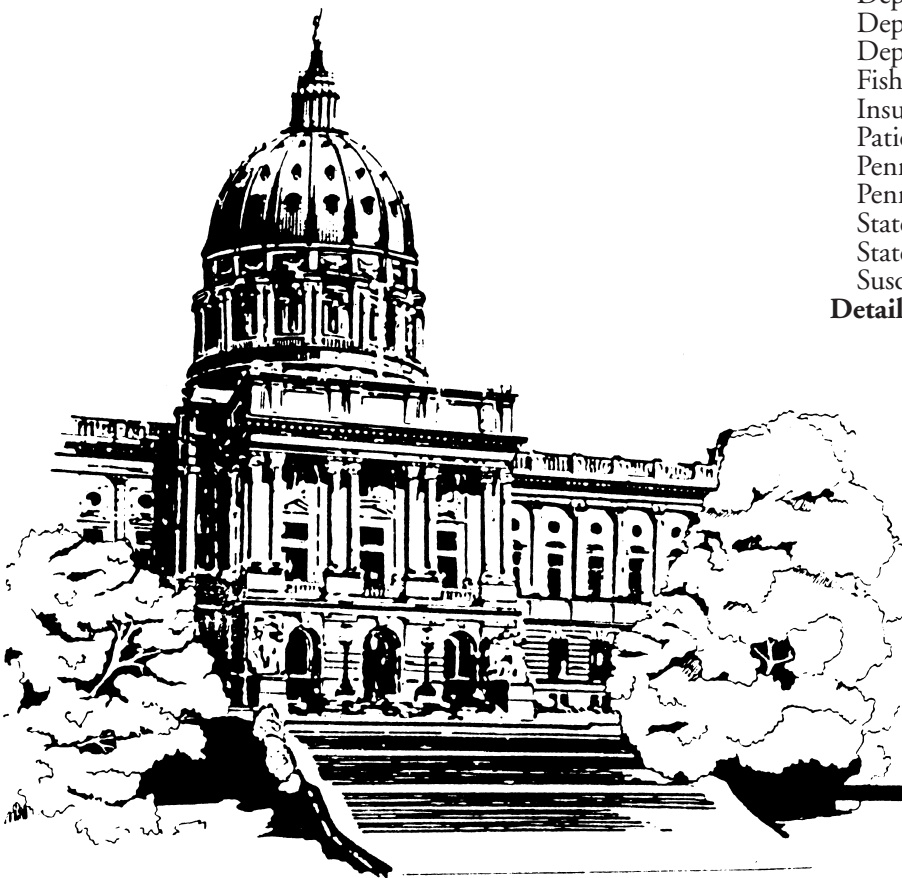
Pennsylvania Public Utility Commission

State Board of Cosmetology

State Board of Medicine

Susquehanna River Basin Commission

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

**No. 476, July 2014**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 33 ]

**Amendment of Rule 2.11 of the Code of Judicial Conduct; No. 425 Judicial Administration Doc.**

#### Order

*Per Curiam*

And Now, this 23rd day of June, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 2.11 of the Code of Judicial Conduct of 2014 is amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the Code of Judicial Conduct of 2014 is found to be in the interests of justice and efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on July 1, 2014.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

#### Subchapter A. CANONS

**Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently.**

**Rule 2.11. Disqualification.**

\* \* \* \* \*

#### Comment:

\* \* \* \* \*

(5) A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

(6) **Rule 2.11(A)(4) represents a first inroad into complex issues associated with the financing of judicial campaigns in the scheme prescribed by the Pennsylvania Constitution, per which judicial officers are elected by the citizenry. See Pa. Const. art. V, § 13. For example, the rule presently does not address a number of circumstances which have arisen in the context of public judicial elections, including the involvement of political action committees ("PACs"). Under the direction of an independent board of directors, such entities may aggregate then distribute individual contributions among judicial campaigns, political campaigns, their own operating expenses, and other expenditures. There is no attempt, under the present rule, to require disqualification on account of individual contributions made to a PAC, so long as the organization does not serve as the alter-ego of a specific donor or donors. Rulemaking, in this regard, would require further study and deliberation in order to**

**appropriately balance all respective interests involved. Thus, the Court has reserved any treatment to a later time.**

[Pa.B. Doc. No. 14-1418. Filed for public inspection July 11, 2014, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CHS. 1910, 1915, 1920 AND 1930 ]

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 135**

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

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

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, August 8, 2014 directed to:

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

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

*By the Domestic Relations  
 Procedural Rules Committee*

CAROL S. MILLS McCARTHY,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

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

\* \* \* \* \*

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not sched-

uled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

\* \* \* \* \*

(3) [A] Any lawyer serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer [ or ], permanent or standing master [ employed by ], or judge of the same judicial district.

\* \* \* \* \*

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.4-2. Partial Custody. Office Conference. Hearing. Record. Exceptions. Order.

\* \* \* \* \*

(b) Hearing.

(1) The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony. A hearing officer who is a lawyer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer [ or ], permanent or standing master [ employed by ], or judge of the same judicial district.

\* \* \* \* \*

Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) Non-Record Proceedings. In those jurisdictions that utilize an initial non-record proceeding such as a conciliation conference or office conference, if no agreement is reached at the conclusion of the proceeding, the conference officer or conciliator shall promptly notify the court that the matter should be listed for trial. Any lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a conciliator, mediator or to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

\* \* \* \* \*

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a)(1) The court may hear the testimony or, upon its own motion or the motion of either party, may appoint a master with respect to all or any of the matters specified in subdivision (a)(2)(i) to consider same and issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

\* \* \* \* \*

(4) A permanent or standing master employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a

conference officer, hearing officer [ or ], permanent or standing master [ employed by ], or judge of the same judicial district.

\* \* \* \* \*

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

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

(a) Persons Who May Serve. Original process in all domestic relations matters may be served by the sheriff or a competent adult:

\* \* \* \* \*

(3) or pursuant to special order of court.

Official Note: See Rule 76 for the definition of "competent adult." Service upon an incarcerated person in a domestic relations action must also include notice of any hearing in such action, and specific notice of the incarcerated individual's right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in the hearing. The writ is available where an incarcerated individual wishes to testify as provided by statute or rule, as well as where the individual's testimony is sought by another. Vanaman v. Cowgill, [ 363 Pa. Super. 602, ] 526 A.2d 1226 (Pa. Super. 1987). See 23 Pa.C.S.A. § 4342(j) and Rule 1930.3. In determining whether a writ of habeas corpus ad testificandum should be issued, a court must weigh the factors set forth in Salemo v. Salemo, [ 381 Pa. Super. 632, ] 554 A.2d 563 (Pa. Super. 1989).

\* \* \* \* \*

(h) Proof of Service. Proof of service shall be made as follows:

\* \* \* \* \*

(3) Proof of service by a person other than the sheriff shall be by affidavit. The affidavit shall be filed with the court not later than 90 days after service. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

\* \* \* \* \*

Rule 1930.8. Self-Represented Party.

\* \* \* \* \*

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

(f) The entry of appearance of a self-represented party shall be substantially in the following form:

[ CAPTION ]

ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY PURSUANT TO Pa.R.C.P. No. 1930.8

I, \_\_\_\_\_, Plaintiff or Defendant (circle one), represent myself in the within action.

**REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (If Applicable)**

\_\_\_\_\_,  
Remove \_\_\_\_\_,  
Esq., as my attorney of record.

\_\_\_\_\_  
Withdraw my appearance for the filing party.

\_\_\_\_\_  
Esq. (Print name) ID# \_\_\_\_\_

\_\_\_\_\_  
Signature DATE: \_\_\_\_\_

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

All pleadings and legal papers can be served on me at the address listed below:

_____	
Print Name	
_____	
Signature	Telephone number
_____	
Address	FAX
_____	
City, State, Zip Code	Date

**THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING ATTORNEY REMOVED FROM THE CASE.**

**Explanatory Comment—2013**

Withdrawal of appearance by counsel of record **without the entry of appearance by a self-represented party** is governed by Pa.R.C.P. No. 1012. Service of original process in domestic relations matters is governed by Pa.R.C.P. No. 1930.4. Service of legal papers other than original process is governed by Pa.R.C.P. No. 440.

[Pa.B. Doc. No. 14-1419. Filed for public inspection July 11, 2014, 9:00 a.m.]

**PART I. GENERAL**

**[ 231 PA. CODE CH. 1910 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 137**

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

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

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, August 8, 2014 directed to:

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

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

*By the Domestic Relations  
Procedural Rules Committee*

CAROL S. MILLS McCARTHY,  
*Chair*

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.**

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

\* \* \* \* \*

*(b) Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below. **[ Premiums paid by a party to whom no duty of support is owed to cover himself or herself only and that are not necessary to cover the other party or a child as part of a support order shall not be apportioned between the parties. ]** If, during the pendency of a divorce action, a party's policy covers that party, a child and a spouse and the spouse has separate coverage not needed to cover the child or the other party, the cost of the spouse's insurance premium shall not be apportioned between the parties. **If, during the pendency of a divorce action, a party provides coverage for that party and a child, but not the spouse, and the spouse has separate coverage, the spouse's insurance premium shall be apportioned between the parties.** If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

\* \* \* \* \*

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the court must ascertain each parent’s ability to provide medical support for the parties’ children and the support “order shall include a requirement for medical support to be provided by either or both parents, provided that such medical support is accessible to the children.”

(i) The non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost. “Reasonable cost” to an obligor shall be defined as an amount that does not exceed 5% of the obligor’s net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered pay, does not exceed 50% of the obligor’s net monthly income. **If the obligee is providing the coverage, the reasonable amount of the obligor’s share shall be defined as an amount that does not exceed 5% of the obligor’s net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor’s net monthly income.**

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor’s share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

\* \* \* \* \*

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31. Allocation of unreimbursed medical expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

**(4) If the trier of fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the court may decline to assess any of such expenses against the other party.**

[ (4) ] (5) In cases involving only spousal support or alimony pendente lite, the parties’ respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor’s income and added to the obligee’s income.

\* \* \* \* \*

[Pa.B. Doc. No. 14-1420. Filed for public inspection July 11, 2014, 9:00 a.m.]

**PART I. GENERAL**  
**[ 231 PA. CODE CH. 1920 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 136**

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**

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

\* \* \* \* \*

(d) Upon entry of a decree in divorce, any existing order for spousal support shall be deemed an order for alimony pendente lite if any economic claims remain pending.

**(e) If a party dies and the divorce action is continuing pursuant to 23 Pa.C.S. § 3323(d.1), an existing alimony pendente lite order may continue as an obligation of the obligor decedent’s estate, subject to modification. The amount of alimony to be awarded to the surviving spouse shall be calculated using only the income of the surviving spouse and the decedent’s estate.**

**Explanatory Comment—2014**

**A divorce action may continue after the death of a party pursuant to 23 Pa.C.S. § 3323(d.1) if grounds for divorce have been established. Alimony**

pendente lite is intended to provide the financial ability to pursue or defend a divorce action and may continue until the economic issues are resolved.

[Pa.B. Doc. No. 14-1421. Filed for public inspection July 11, 2014, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [ 246 PA. CODE CH. 1000 ]

#### Proposed Amendments to Rule 1002 of the Rules of Civil Procedure Before Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt amendments to Rule 1002 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee’s considerations in formulating this proposal. The Committee’s Report should not be confused with the Committee’s Official Notes to the Rules. The Supreme Court does not adopt the Committee’s Official Notes or the contents of the explanatory reports.

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

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

Pamela S. Walker, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9546  
or email to: [minorrules@pacourts.us](mailto:minorrules@pacourts.us)

no later than September 12, 2014.

*By the Minor Court Rules Committee*

BRADLEY K. MOSS,  
*Chair*

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 1000. APPEALS

#### APPEAL

*(Editor’s Note: Following is proposed revision 1.)*

#### Rule 1002. Time and Method of Appeal.

[ A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days

after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30) days after the date of entry of judgment without leave of Court and upon good cause shown.

B. A party aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of entry of judgment without leave of court and upon good cause shown. ]

A(1) Except as otherwise prescribed by this rule, a notice of appeal shall be filed within thirty (30) days after the date of entry of judgment from which the appeal is taken.

(2) A notice of appeal from a judgment that concerns a residential lease shall be filed within ten (10) days after the date of entry of judgment from which the appeal is taken. If, however, the tenant is a victim of domestic violence, a notice of appeal shall be filed within thirty (30) days after the date of entry of the judgment from which the appeal is taken.

B. An appeal shall be filed by filing a notice of appeal with the prothonotary of the court of common pleas on a form that shall be prescribed by the State Court Administrator. The prothonotary shall not accept a notice of appeal that is presented after the expiration of the time period specified above in subdivision A without leave of court and upon good cause shown.

*Official Note:* The 2014 amendment is intended to clarify that the time for an appeal is thirty (30) days in all cases with the exception of the ten (10) day period that exists in cases that concern a residential lease and in which the tenant is not a victim of domestic violence. Accordingly, in a case that concerns a residential lease, appeals must generally be brought within ten (10) days after the date of entry of judgment. The ten (10) day appeal period is applicable in cases concerning residential leases when the judgment is for possession only or for possession and money. When, however, the underlying case concerns a residential lease and the tenant is victim of domestic violence or the judgment is for money only, the appeal period is thirty (30) days.

The 2014 amendment provides additional time to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. A “victim of domestic violence” is defined as “a person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court

shall direct.” See 68 P. S. § 250.513. It is the intent of this rule that should a determination be necessary as to whether or not a tenant is a victim of domestic violence, that determination would be made by the court of common pleas following the filing by a landlord of a motion to quash an appeal for being untimely.

The thirty (30) day [ limitation in subdivision A of this rule is the same as that found in the Judicial Code § 5571(b) ] appeal period set forth above is consistent with the appeal period found in Section 5571(b) of the Judicial Code, 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53. The ten (10) day limitation in [ subdivision B ] paragraph A(2) of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before District Justices, as adopted by that Order.). [ The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. A party may appeal the money portion of a judgment only within the thirty day appeal period specified in subsection A of this rule. ] It is the intent of this rule that no supersedeas under Pa.R.C.P.D.J. No. 1008 shall be issued by the Prothonotary after the ten (10) day period for filing an appeal, unless by order of court.

In a landlord-tenant action, the court is authorized to enter only one judgment which may contain a monetary award and authorize the landlord to regain possession of the leasehold through lawful process. Any appeal is from one judgment and cannot be parsed at the will of the party taking the appeal.

If a court enters a judgment in a case arising out of a residential lease that includes an award of money and a right to possession, a tenant, who is not a victim of domestic violence, or a landlord who wishes to take an appeal must do so within ten (10) days of the entry of the judgment even if the tenant has vacated the leasehold after the entry of the judgment. See Section 513(b) of the Act and *Cherry Ridge Dev. v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997).

In *Cherry Ridge*, a magisterial district judge entered a judgment in favor of a landlord for possession of the premises and a monetary judgment. See *Cherry Ridge* at 1062. The issue on appeal that the Superior Court addressed was “[ w ]hat is the time period to file an appeal when an Order for both possession and money judgment is entered by a District Justice?” *Id.* The Superior Court held that the then Rule 1002 provided the tenant with ten (10) days and not thirty (30) days to take an appeal. In reaching that conclusion, the Superior Court observed that the tenant “does not appeal from a judgment only for money,” but from a judgment for possession with an ancillary award for damages

[ and that ] she does not appeal from a ‘judgment affecting a nonresidential lease.’” *Cherry Ridge* at 1063. As noted above, the proposed changes to the revised rule clarify that there is only one judgment from which an appeal is taken. Therefore, while the proposed rule would also provide for a ten (10) appeal period, it does so without the need for the type of analysis that the Superior Court used in *Cherry Ridge*.

The method of appeal is by filing with the prothonotary a “notice of appeal” on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an “appeal” for filing and another called a “notice of appeal” for service.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. 514.A and will be needed by the Prothonotary.

#### Explanatory Comment—2001

The January 1, 2001, amendments to Rule 1002(A) and (B) are to make the language within the Rule consistent. Previously, the Rule used the words “date of entry of judgment” and then “date of judgment”. It is the opinion of the Committee that the phrase “date of entry of judgment” should be used and that it should be used consistently throughout the Rule.

[ The amendment to the Note is necessitated because Rule 514 requires that a judgment be rendered for the delivery of possession of the real property to the plaintiff and a separate entry of a judgment for money, whether it be for rent, damages, or costs. The separate entry of the judgment for money should be treated the same as a judgment in a civil action and there are no additional exigencies requiring an accelerated appeal period. The ten (10) day appeal period should only be applicable to the possession judgment and not to the money judgment.

The purpose of this amendment to the Note and this Explanatory Comment is to clarify the intent of the Rule to permit an appeal of the money judgment only within the thirty (30) day appeal period. See *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997). ]

(Editor’s Note: Following is proposed revision 2.)

#### Rule 1002. Time and Method of Appeal.

[ A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30)

days after the date of entry of judgment without leave of Court and upon good cause shown.

B. A party aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of entry of judgment without leave of court and upon good cause shown. ]

A(1) Except as otherwise prescribed by this rule, a notice of appeal shall be filed within thirty (30) days after the date of entry of judgment from which the appeal is taken.

(2) A notice of appeal from a judgment that concerns only the delivery of possession of real property arising out of a residential lease shall be filed within ten (10) days after the date of entry of the judgment from which the appeal is taken. If, however, the tenant is a victim of domestic violence, a notice of appeal shall be filed within thirty (30) days after the date of entry of the judgment from which the appeal is taken.

B. An appeal shall be filed by filing a notice of appeal with the prothonotary of the court of common pleas on a form that shall be prescribed by the State Court Administrator. The prothonotary shall not accept a notice of appeal that is presented after the expiration of the time period specified above in subdivision A without leave of court and upon good cause shown.

*Official Note:* The 2014 amendment is intended to clarify that the time for an appeal is thirty (30) days in all cases with the exception of the ten (10) day period that exists in cases that concern a residential lease and in which the judgment is for possession only and the tenant is not a victim of domestic violence. The thirty (30) day appeal period, therefore, is applicable in cases concerning residential leases when the judgment is for possession and money, money only or when the tenant is a victim of domestic violence.

The 2014 amendment provides additional time to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. A "victim of domestic violence" is defined as "a person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court shall direct." See 68 P. S. § 250.513. It is the intent of this rule that should a determination be necessary as to whether or not a tenant is a victim of domestic violence, that determination would be made by the court of common pleas following the filing by a landlord of a motion to quash an appeal for being untimely.

The thirty (30) day [ limitation in subdivision A of this rule is the same as that found in ] appeal period set forth above is consistent with the appeal period found in Section 5571(b) of the Judicial Code

[ § 5571(b) ], 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53, and in the July 6, 1995 amendment (Act No. 1995-33) to Section 513(b) of the Landlord and Tenant Act of 1951 ("Act"), Act of April 6, 1951, P. L. 69, as amended, 68 P. S. 250.513(b). The ten (10) day limitation in [ subdivision B of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before District Justices, as adopted by that Order.) ] paragraph A(2) of this rule is consistent with the time for appeal set forth in the July 6, 1995 amendment. [ The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. A party may appeal the money portion of a judgment only within the thirty day appeal period specified in subsection A of this rule. ] It is the intent of this rule that no supersedeas under Pa.R.C.P.D.J. No. 1008 shall be issued by the Prothonotary after the [ ten (10) day ] period for filing an appeal, unless by order of court.

In a landlord-tenant action, the court is authorized to enter only one judgment which may contain a monetary award and authorize the landlord to regain possession of the leasehold through lawful process. Any appeal is from one judgment and cannot be parsed at the will of the party taking the appeal.

If a court enters a judgment in a case arising out of a residential lease that includes an award of money and a right to possession, a tenant, whether or not a victim of domestic violence, or a landlord who wishes to take an appeal must do so within thirty (30) days of the entry of the judgment regardless of whether or not the tenant has vacated the leasehold after the entry of the judgment. Under this circumstance, the rule provides more time within which to take an appeal than Section 513(b) of the Act and as the Superior Court interpreted in then Rule 1002 in *Cherry Ridge Dev. v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997).

The method of appeal is by filing with the prothonotary a "notice of appeal" on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an "appeal" for filing and another called a "notice of appeal" for service.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. 514.A and will be needed by the Prothonotary.



## REPORT

***Proposed Amendments to Rule 1002 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges*****Time and Method of Appeal; Incorporating Additional Time for Appeal by Victim of Domestic Violence in Residential Landlord-Tenant Case****I. Introduction and Background**

The Minor Court Rules Committee (the "Committee") is proposing amendments to the Pennsylvania Rules of Civil Procedure before Magisterial District Judges governing appeals taken from judgments entered in magisterial district courts. The goals of these rule changes are (1) to clarify the appeal periods for all civil and landlord-tenant judgments, and (2) to provide additional time to victims of domestic violence when a judgment arises out of a residential lease and contains an award of possession.

The Committee began looking at this issue in 2011, after reviewing the opinion in the Philadelphia Municipal Court case of *Luck Ent. LLC v. Melton*, <http://www.courts.phila.gov/pdf/opinions/mc/LT0911033436.pdf>, LT-09-11-03-3436 (Phil. Mun. Ct. 2011) (Moss, J.). That court had "forward[ed] a copy of th[e] Opinion to the Philadelphia Municipal Court, the Minor Court Rules Committee and the Court of Common Pleas of Philadelphia County so that they might review their rules to determine whether or not to refine the language of their rules." See *Luck Ent. LLC* at 13, n. 8.

When a landlord brings a landlord-tenant action against a tenant, the landlord has the right to seek a judgment providing for the recovery of money damages and for the right to use lawful process to recover possession of the property. If the landlord prevails at trial, the court will enter a judgment that provides for one of the following: (1) the right to use lawful process to recover possession of the property; (2) an award of money damages; or (3) both an award of money damages and the right to use lawful process to recover possession of the property.

A judgment providing for only the right to use lawful process to recover possession of the property will be entered when the tenant remains in possession of the property, owes no money to the landlord, and the landlord has proven that the tenant has breached a condition of the lease, such as a no pet provision, or that the term of the lease has expired and that the lease has been properly terminated. A judgment providing for only money damages will be entered when the landlord has proven that the tenant owes rent or other monetary compensation under the terms of the lease and the tenant is no longer in possession of the property as a result of, for example, moving out and returning the keys to the landlord after the landlord-tenant complaint was filed but before trial.

Thirty days from the entry of an Order is the standard period of time for taking an appeal. See 42 Pa.C.S. § 5571; Pa.R.A.P. 903. There are, however, exceptions to the thirty-day standard. Generally, when the appeal period is less than thirty days, there is a special reason to shorten the appeal period. For example, the time for appeal from an order in any matter arising under the Pennsylvania Election Code is generally for a lesser time than thirty days because of the need for the courts to resolve such appeals within the short time period between the submission of nominating petitions and the election. See 42 Pa.C.S. § 5571(c)(1).

In the context of landlord-tenant actions, there are two competing interests when possession of the property is at

issue. The landlord has an interest in regaining possession of the leased property as quickly as possible. The tenant, however, has an interest in remaining in the property as long as possible in order to have sufficient time to make arrangements to pack belongings and to move to another property. These competing interests do not exist when the tenant has returned possession of the property to the landlord prior to trial.

The law has continually sought to strike a fair balance between the competing interests of the landlord and the tenant. Prior to the addition on July 6, 1995 of Section 513(b) to the Landlord and Tenant Act of 1951 ("Act"), Act of April 6, 1951, P.L. 69, as amended, 68 P.S. § 250.513(b), Sections 504 and 506 of the Act provided for only five days after the entry of a judgment within which to take an appeal.

In 1995, the General Assembly rebalanced the competing interests between landlords and tenants by distinguishing between residential and nonresidential leases, and between instances in which there was a residential lease involving a victim of domestic violence. Section 513(b) envisions three situations applicable to the time for taking an appeal in a landlord-tenant action. One situation is when a judgment arises out of a residential lease, another is when a judgment arises out of a nonresidential lease, and the third situation is when a judgment arises out of a residential lease in which a victim of domestic violence is involved. In the first situation, there are ten days within which to take an appeal. In the second and third situations, there are thirty days within which to take an appeal. Section 513(b) provides the following:

(b) Within ten days after the rendition of judgment by a lower court arising out of residential lease or within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas and the appeal by the tenant shall operate as a supersedeas only if the tenant pays in cash or bond the amount of any judgment rendered by the lower court or is a victim of domestic violence and pays, in cash, any rent which becomes due during the court of common pleas proceedings within ten days after the date each payment is due into an escrow account with the prothonotary or the supersedeas shall be summarily terminated.

Although the Supreme Court of Pennsylvania ("Court") suspended Section 513(b) by entering a number of Orders, it never declared Section 513(b) unconstitutional. Eventually, the Court adopted Pa.R.C.P.M.D.J. No. 1081 which provides that Section 513(b) is suspended to the extent that it is inconsistent with the rules governing appellate proceedings with respect to judgment and other decisions of magisterial district judges in civil actions. The Court, however, did not elaborate on any such inconsistencies and did not suspend Section 513(b) as it applies to the Philadelphia Municipal Court or to the Courts of Common Pleas.

**II. Discussion**

In *Luck Ent. LLC*, the court examined the rule making history of Pa.R.C.P.M.D.J. No. 1002 within the context of changes to the Act. The Committee agreed that Rule 1002 was in need of refinement, specifically (1) to clarify the appeal periods for all civil and landlord-tenant judgments and (2) to provide additional time to victims of domestic violence when a judgment arises out of a residential lease and contains an award of possession.

The Committee published proposed rules for public comment at Volume 42, *Pennsylvania Bulletin*, p. 7525 (42 Pa.B. 7525, December 15, 2012). Based on the analysis in *Luck Ent. LLC*, the Committee believed that an action in a magisterial district court results in one judgment, not multiple judgments that can be parsed and appealed individually. The Committee agreed with the court in *Luck Ent. LLC* that the Committee's 2001 Explanatory Comment to Rule 1002 suggests that there can be two separate judgments in a landlord-tenant action, and proposes eliminating those portions of the 2001 Explanatory Comment. See *Luck Ent. LLC* at 11-12.

The Committee also proposed patterning the language of Rule 1002 more closely to Section 513 of the Act to reflect the available timeframes for appeal. Additionally, the Committee proposed adding additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Such a change is consistent with Section 513(b) of the Act. Rule 1002 currently does not contain such a provision.

In response to publication, the Committee received correspondence from the bench and bar. Much of the correspondence expressed concern that the proposed rules would create additional burdens on impoverished tenants by establishing the time for all appeals from judgments arising out of residential leases at ten days. Many of the commenters pointed out that the Committee was not bound by Section 513 of the Act to the extent it conflicted with the Court's procedural rules.

Other correspondents wrote to commend the Committee for extending the appeal period for victims of domestic violence. Additionally, there were no objections to maintaining a thirty-day appeal period when the judgment concerned nonresidential leases or a ten-day appeal period when the judgment concerned only the right to use lawful process to recover possession of the property in the context of a residential lease.

The quandary that remains is the amount of time that tenants and landlords should have to take an appeal when the judgment provides for both money damages and the right to use lawful process to recover possession of the property, the matter involves a residential lease, and a victim of domestic violence is not involved.

The Committee gave careful consideration to the comments submitted by interested parties, and decided further analysis was needed to reach a final recommendation. The Committee recognizes that Section 513 of the Act has been suspended by the Court to the extent it is inconsistent with the rules.<sup>1</sup> Therefore, while the Committee is under no obligation to amend Rule 1002 to conform to Section 513, it may make recommendations to do so, and the Court could adopt rule changes to make the rule consistent with the statute. The Committee was also sensitive to the concerns raised by the public interest bar, taking note of the predicted hardships to poor litigants. Finally, the Committee recognized an interest in modifying the language of Rule 1002 to more closely follow that of Section 513, Pa.R.A.P. 903 and 42 Pa.C.S. § 5571. For example, the Committee proposes deleting references to "a party aggrieved by a judgment" in favor of focusing on the nature of the judgment, such as "an appeal from a judgment arising out of a residential lease."

After additional discussion and consideration of the prior comments, the Committee has arrived at two com-

peting proposals and again seeks the comments of the bench and bar. The primary difference between the two proposals is that one proposal provides for a thirty-day appeal period in the context of a residential lease, not involving a victim of domestic violence, in which the judgment provides for both money damages and the right to use lawful process to recover possession of the property. The other proposal provides for a ten-day appeal period in such a situation.

### III. Proposed Rule Changes

Proposed Revision 1 is akin to the proposal as published in December 2012, and adheres to the timeframes established in Section 513 of the Act, bringing all appeals from judgments arising out of residential leases (except those involving domestic violence victims) within the ten (10) day period. Proposed Revision 2 differs only with respect to the situation in which a case arising out of a residential lease that does not involve a domestic violence victim results in a judgment providing for the use of legal process to regain possession and an award of money damages. Under Proposed Revision 1, the appeal period is ten (10) days. Under Proposed Revision 2, the appeal period is thirty (30) days.

In cases in which a judgment is entered that permits the landlord to use lawful process to recover possession of the property at issue and an award of money, the Committee continues to search for a fair and appropriate balance between the competing interests of landlords and residential tenants who are not victims of domestic violence. While the Committee favors the ten (10) day appeal period in Proposed Revision 1 as an appropriate and fair balance between the competing interests of landlords and tenants, it is taking the unusual step of submitting Proposed Revision 2 as a means of recognizing the prior comments of proponents for tenants' rights who favored a thirty (30) appeal period in that situation.

The Committee also proposes eliminating the phrase "aggrieved by a judgment" from Rule 1002. That language is not used in Section 513 of the Act, Pa.R.A.P. 903 or 42 Pa.C.S. § 5571. Additionally, the "aggrieved by" language is commonly used when discussing whether or not a party has standing to file an appeal and contributes to the existing ambiguity under present Rule 1002 as to the time within which to file an appeal under various scenarios.

Rather than the appeal period being viewed from the perspective of whether or not a party considered itself to be aggrieved by all or some of the relief provided by a judgment, the Committee agreed with the court in *Luck* that it would be clearer to identify the appeal time periods based on the nature of the underlying judgment. The Committee also examined Pa.R.A.P. 903, and followed the structure therein, utilizing a general rule and exception format.

In both proposals, the Committee suggests adding the additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Section 513(b) of the Act provides that a victim of domestic violence has thirty days, rather than the standard ten days, to appeal a judgment arising out of a residential lease that contains an award of possession. Finally, the Committee proposes changes to the Official Note and the 2001 Explanatory Comment consistent with the proposed rule changes.

The chart below provides a schematic summary of the two proposals.

<sup>1</sup> On March 28, 1996, the Court, in addition, to approving proposed amendments to Rule 1002, also amended Rule 1081 to suspend Act 33 of 1995, insofar as it was inconsistent with the rules. Act 33 of 1995 provides for Section 513 of the Landlord and Tenant Act. The Court did not rule that Act 33 of 1995 was unconstitutional.

<i>Content of Judgment and Type of Action</i>	<i>Time for Appeal Under Proposal One</i>	<i>Time for Appeal Under Proposal Two</i>
<b>I. Actions for the Recovery of Possession of Real Property</b>		
A. Nonresidential lease	Thirty days	Thirty days
B. Residential lease— Only right to use of lawful process to recover possession of property and award of court costs	Ten days	Ten days
C. Residential lease— Only award of monetary damages and court costs	Thirty days	Thirty days
D. Residential lease— Both right to use lawful process to recover possession of property and award of monetary damages and court costs	Ten days	Thirty days
E. Residential lease— Regardless of the content of the judgment, when a victim of domestic violence is involved	Thirty days	Thirty days
<b>II. Civil Action</b>		
A. Award of money damages and court costs	Thirty days	Thirty days

[Pa.B. Doc. No. 14-1422. Filed for public inspection July 11, 2014, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## FOREST AND WARREN COUNTIES

### Americans with Disabilities Policy; Misc. Dkt. 30 of 2014

#### Administrative Order

*And Now*, this 16th day of June, 2014, the Court of Common Pleas of the 37th Judicial District of Pennsylvania hereby adopts a policy providing for reasonable accommodations for the public under Title II of the Americans with Disability Act. The policy follows hereto.

It is *Ordered* that the District Court Administrator shall be appointed as the ADA Coordinator.

Notice similar to the following shall be provided to all scheduled for a hearing or having scheduled business before the Court:

#### American with Disabilities Act of 1990

If you are disabled and require special accommodations, please notify the office 72 hours in advance of the date of your hearing/business by calling (814) \_\_\_\_\_-\_\_\_\_\_ (number of specific court office)

*It Is Ordered* that this Administrative Order and attached Policy shall be effective (30) days after publication thereof in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the District Court Administrator shall:

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

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

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

(d) Copies shall be provided to all Court and Court related offices of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

**APPENDIX A****Americans with Disabilities Act (Title II) Policy**

The Unified Judicial System of Pennsylvania (UJS) complies with Title II of the Americans with Disabilities Act (ADA) which provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity”. 42 U.S.C.A. § 12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any judicial proceeding or any other service, program, or activity of the UJS, you are entitled, at no cost to you, to the provision of certain assistance. The ADA does not require the Court of the 37th Judicial District to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible or at least three (3) business days before your

scheduled participation in any court proceeding or UJS program or activity. All requests for accommodation, regardless of timeliness, will be given due consideration and if necessary, may require an interactive process between the requestor and the Office to determine the best course of action.

To request a reasonable accommodation, please complete the Request for Reasonable Accommodation Form (Appendix A) and return it to:

Court Administrator  
204 Fourth Avenue  
Warren, PA 16365  
Phone: (814) 728-3530  
Fax: (814) 728-3452  
Email: lcritzer@warren-county.net

If you need assistance completing this form, contact the ADA Coordinator. Complaints alleging violations of Title II under the ADA may be filed pursuant to the UJS Grievance Procedure with Court Administration located at the Judges’ Chambers, 204 Fourth Avenue, Warren, PA 16365. A response will be sent to you after careful review of the facts.



**APPENDIX A**  
FOR USE BY JUDICIAL DISTRICTS ONLY

UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT ACCOMMODATION (ADA) TITLE II REQUEST FOR REASONABLE ACCOMMODATION FORM  
(INCLUDES REQUEST FOR INTERPRETER FOR HEARING /SPEECH IMPAIRED)

**Client Information – Section A**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
\_\_\_\_\_ Mobile: \_\_\_\_\_

Please check the box that most closely describes your status in this matter:

- Litigant    Plaintiff    Defendant    Parent    Child    Witness    Attorney    Victim    Juror  
 Other (please explain) \_\_\_\_\_

**Requestor Information (if different from above)**

Name: \_\_\_\_\_ Bus. Phone/ Mobile: \_\_\_\_\_  
Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
Relationship to Client: \_\_\_\_\_ Email: \_\_\_\_\_  
\_\_\_\_\_ TTY: \_\_\_\_\_

**Accommodation**

Nature of the disability for which an accommodation is requested: \_\_\_\_\_  
Accommodation requested: \_\_\_\_\_

**Location of Proceeding**

**Proceeding Information (if known)**

Magisterial District Court No. \_\_\_\_\_  
District Judge Name: \_\_\_\_\_  
 Criminal Division    Civil Division    Orphans' Court Division  
 Family Division    Adult    Juvenile  
Specify Address: \_\_\_\_\_  
Case #: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Judge: \_\_\_\_\_  
Proceeding Date: \_\_\_\_\_ Proceeding Time: \_\_\_\_\_  
Proceeding Type: \_\_\_\_\_

AFTER COMPLETING THE FORM, PLEASE SEND TO: COURT ADA COORDINATOR

I hereby certify that an Americans with Disabilities Act accommodation is required in the above-captioned action on the date stated.

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

**FOR OFFICIAL USE ONLY**

**Service Provider Information - Section B**

A SERVICE REQUEST HAS BEEN MADE FOR THE CLIENT NAMED ABOVE.

Service Provider  
Company: \_\_\_\_\_ Fax: \_\_\_\_\_  
Individual  
Interpreter Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Bus. Phone/ Date to: \_\_\_\_\_  
Mobile: \_\_\_\_\_ Provider: \_\_\_\_\_

**Court Official Verification – Section C**

VERIFYING OFFICIAL SHALL MAINTAIN A COPY IN THE COURT'S CASE FILE AND PROVIDE THE ORIGINAL TO THE SERVICE PROVIDER FOR SUBMISSION WITH BILLING.

I hereby verify that the services were performed by the provider in the above-captioned action on the date and time stated.

Start Date & Time: \_\_\_\_\_ End Date & Time: \_\_\_\_\_  
Court Official: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Please print name)  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX B****Americans with Disabilities (Title II) Act Grievance Procedure**

This grievance procedure is established for the prompt resolution of complaints alleging any violation of Title II of the Americans with Disabilities Act (ADA) in the provision of services, programs, or activities by the Unified Judicial System (UJS). If you require a reasonable accommodation to complete this form, or need this form in an alternate format, please contact:

Court Administrator, 204 Fourth Avenue,  
Warren, PA 16365  
Phone: (814) 728-3530, Fax: (814) 728-3452  
email: [lcritzer@warren-county.net](mailto:lcritzer@warren-county.net).

To file a complaint under the Grievance Procedure please take the following steps:

1. Complete the complaint form and return to Court Administration. Alternative means of filing complaints will be made available for persons with disabilities upon request. The complaint should be submitted as soon as possible but no later than sixty (60) calendar days after the alleged violation.

2. Within fifteen (15) calendar days of receipt of the complaint, the ADA Coordinator or designated individual will investigate the complaint, including, meeting with the individual seeking an accommodation, either in person or via telephone, to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator or designated individual will respond in writing, and where appropriate, in

a format accessible to the complainant, such as large print, Braille, or audio. The response will explain the position of the Court of the 37th Judicial District of Pennsylvania and offer options for substantive resolution of the complaint.

3. If the response to the complaint does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after receipt of the response to the President Judge of the 37th Judicial District of Pennsylvania. Within fifteen (15) calendar days after receipt of the appeal, the President Judge will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the President Judge will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

This grievance procedure is informal. An individual's participation in this informal process is completely voluntary. Use of this grievance procedure is not a prerequisite to and does not preclude a complainant from pursuing other remedies available under law.

The UJS Policy on Non-Discrimination and Equal Employment Opportunity also encompasses disability-related issues and provides complaint procedures for UJS court users. Any employment-related disability discrimination complaints will be governed by the UJS Policy on Nondiscrimination and Equal Employment Opportunity.

Appendix A (Request for Reasonable Accommodation Form) and Appendix B (Grievance Form) are located at the Court website [www.warrenforestcourt.org](http://www.warrenforestcourt.org).



APPENDIX B

UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT (ADA) TITLE II  
GRIEVANCE FORM

<b>Grievant Information</b>	
Grievant Name: _____	Home Phone (include area code): _____
Address: _____	Business Phone (include area code): _____
	Mobile Phone (include area code): _____
<b>Alternative Contact Person (other than Grievant)</b>	
Name: _____	Home Phone (include area code): _____
Address: _____	Business Phone (include area code): _____
	Relationship To Client: _____
<b>Court Service, Program or Facility Allegedly in Violation</b>	
Date and Location of Alleged Violation (dd/mm/yyyy)	
Description of Alleged Violation and Requested Remedy	
<p>Has this case been filed with the Department of Justice or other government agency or court?</p> <p style="margin-left: 40px;">Yes      No</p>	
<b>If You Answered "Yes" to the Previous Question, Complete the Following</b>	
Agency or Court: _____	Contact Person: _____
Address: _____	Phone (include area code): _____
	Date Filed: _____
Other Comments	
Signature: _____	Date: _____

## LEHIGH COUNTY

## Local Rules of Court Rescinded; Administrative Order No. 2014-J-46

## Order of Court

And Now, this 24th day of June 2014, it is appearing that the following local rules have been superseded by the Pennsylvania Rules of Civil Procedure,

*It Is Hereby Ordered* that the following Lehigh County Family Court Rules are Rescinded, effective immediately.

Rule 1910.11(j). Special Listings.  
 Rule 1910.12(b) and (c). Hearing Procedure.  
 Rule 1910.12-2. Procedure on Exceptions.<sup>1</sup>  
 Rule 1910.25. Special Relief.  
 Rule 1915.3(b) and (c). Commencement of the Action.  
 Rule 1915.4-2. Procedures in Claims for Partial Custody and Visitation.  
 Rule 1915.4-3. Procedures in Claims for Primary Physical or Shared Physical Custody.  
 Rule 1915.4-4. Relocation Rules.  
 Rule 1915.5. Jurisdiction and Venue. Responsive Pleadings.  
 Rule 1915.11. Appointment of Attorney for Child.  
 Rule 1915.19(e) and (f). Co-Parent Education Program.  
 Rule 1920.3. Commencement of Action.  
 Rule 1920.4. Service.  
 Rule 1920.12. Complaint (a)(1), (a)(2), (a)(4), (b), and (c).  
 Rule 1920.15. Counterclaim. Subsequent Petition.  
 Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.  
 Rule 1920.43. Special Relief.  
 Rule 1920.45. Counseling.  
 Rule 1920.53. Extension of Time for Filing Master's Report.

By the Court

CAROL K. MCGINLEY,  
*President Judge*

[Pa.B. Doc. No. 14-1424. Filed for public inspection July 11, 2014, 9:00 a.m.]

## MONROE COUNTY

## Adoption of Local Rule of Judicial Administration 1901; 2014-CU-5

## Order

And Now, this 11th day of June 2014, pursuant to the directive of Pa.R.J.A. 1901(b), *It Is Ordered* that effective 30 days after publication in the *Pennsylvania Bulletin*, Monroe County Rule of Judicial Administration 1901, Mon.R.J.A. 1901, regarding Termination of Inactive Cases is hereby adopted.

*It Is Further Ordered* that two (2) certified copies and one (1) CD-ROM shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; That one (1) certified copy shall be filed with the Administrative Office of the Pennsylvania Courts, and that one copy shall be filed with the Prothonotary of Monroe County.

By the Court

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

<sup>1</sup> Rule 1910.12-2 Procedure on Exceptions appears on the Court's website as a local rule. However, it was not promulgated in accordance with Pa.R.C.P. Rule 239. It will be repromulgated.

## Local Rule of Judicial Administration 1901. Termination of Inactive Cases.

(a) *General Policy*. It is the policy of the Monroe County Court of Common Pleas to bring each pending civil action to a final conclusion as promptly as possible consistent with the interests of justice. When no docket activity has occurred in a civil case for a period of more than two years, the court will commence proceedings under this rule to terminate the action, pursuant to Pa.R.J.A. No. 1901.

(b) *Procedures for termination of a civil case for inactivity*.

(1) *Call of the list*. The Prothonotary shall prepare a list each year on or about July 1 of civil cases in which there has been no docket activity for more than two years. The Court will schedule a call of that list to give the parties an opportunity to be heard on the termination of a case. The call of the list will be scheduled for the third Monday of October at 9:00 a.m. or at such other date and time for which notice shall be given pursuant to this rule.

(2) *Published notice*. The Prothonotary shall publish notice of the moribund cases scheduled for the call of the termination list one time in the *Monroe Legal Reporter* at least thirty days before the scheduled call. The notice shall state a) the caption of each case and the names of the attorneys of record or pro se litigants, if any; b) the date, time and location of the call of the list; and c) the requirements of filing written objections and appearing at the call of the list in order to oppose termination, as stated below.

(3) *Written objections and the call of the list*. Any party wishing to oppose the termination of a matter must file written objections with the Prothonotary a minimum of one week prior to the call of the termination list and serve opposing counsel or pro se parties in accordance with the Rules of Civil Procedure. A certificate of service shall be filed with the Prothonotary. If no written objection to dismissal is timely filed, the Prothonotary shall enter an order terminating the case pursuant to Pa.R.J.A. 1901(c)(2), and that matter will not be heard at the call.

If an objection is timely filed and served, the Court will hold argument on that case at the time of the call of the termination list. The party opposing termination must attend the call of the termination list in person or by counsel to argue against the termination of the case. Opposing counsel or parties who wish to be heard may also present argument. The court will then enter an appropriate order.

(c) *Reinstatement*. Any matter terminated under this rule may be reinstated by the Court upon written petition for good cause shown.

(d) *Other remedies not affected*. This rule shall not prevent a party from seeking dismissal of an action due to inactivity through other procedures authorized by law or rule of Court.

[Pa.B. Doc. No. 14-1425. Filed for public inspection July 11, 2014, 9:00 a.m.]



# SUPREME COURT

## Modification of the Magisterial Districts within the 15th Judicial District; No. 302 Magisterial Rules Doc.

### Amended Order

*Per Curiam:*

*And Now*, this 18th day of June, 2014, upon consideration of the Petition of the President Judge of the Fifteenth Judicial District (Chester County), to reconfigure magisterial districts within the Fifteenth Judicial District, it is hereby *Ordered and Decreed* that the Magisterial District 15-2-06 is eliminated and that Magisterial Districts 15-1-01, 15-1-04, and 15-4-02 shall be realigned. This order is effective August 1, 2014.

Said magisterial districts shall be as follows:

Magisterial District 15-1-01: East Bradford Township  
West Bradford Township  
West Chester Borough  
(Wards 3, 6 and 7)

Magisterial District 15-1-04: West Chester Borough  
(Wards 1, 2, 4 and 5)

Magisterial District 15-4-02: Caln Township  
East Brandywine  
Township  
East Caln Township  
Downingtown Borough

[Pa.B. Doc. No. 14-1426. Filed for public inspection July 11, 2014, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 592 ]

#### Criss-Cross Poker; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03(b) (relating to temporary table game regulations) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), adds Chapter 592 (relating to Criss-Cross Poker) to read as set forth in Annex A.

#### *Purpose*

Criss-Cross Poker is a banked game in which players make the best five-card hands from the five community cards and the two cards dealt to each player.

#### *Explanation of Chapter 592*

Section 592.1 (relating to definitions) contains the definitions for terms used in Criss-Cross Poker. Section 592.2 (relating to Criss-Cross Poker table physical characteristics) contains the requirements pertaining to the table layouts and other equipment used in the play of the game.

Section 592.3 (relating to cards; number of decks) addresses the number of decks that are used in Criss-Cross Poker and the frequency with which the decks are to be changed. Sections 592.4 and 592.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection, shuffling and cutting of the cards before they are dealt.

Sections 592.6 and 592.7 (relating to Criss-Cross Poker rankings; and wagers) set forth the rank of the cards for the purpose of determining a winning hand and specify which wagers are authorized for use at the game and when those wagers are to be placed.

Sections 592.8—592.10 (relating to procedure for dealing the cards from a manual shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) specify the procedures for the dealing of the cards to each patron and the dealer. Section 592.11 (relating to procedures for completion of each round of play) addresses how the dealer is to evaluate whether a patron's hand is a winning hand. This section also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Section 592.12 (relating to payout odds) addresses the payout odds for permissible wagers. Section 592.13 (relating to irregularities) specifies how irregularities in the play of the game are to be handled.

#### *Affected Parties*

This temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities.

#### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games Rules Submissions will be reviewed by existing Board staff.

*Political subdivisions.* This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding that is mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* This temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. It is anticipated that this temporary rulemaking will have an impact only on certificate holders, which are not small businesses.

*General public.* This temporary rulemaking will not have direct fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder elects to offer new games for play at the licensed facility, the certificate holder will be required to submit an updated Rules Submission form and gaming guide reflecting the changes.

#### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-182.

#### *Contact Person*

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 346-8300.

#### *Regulatory Review*

Under 4 Pa.C.S. § 13A03(b), the Board's authority to adopt temporary regulations governing the rules of new table games does not expire. Additionally, temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

#### *Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03(b), the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

- (1) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 592.1—592.13 to read as set forth in Annex A.
- (2) The temporary regulations are effective July 12, 2014.
- (3) The temporary regulations will be posted on the Board’s web site and published in the *Pennsylvania Bulletin*.
- (4) The temporary regulations are subject to amendment as deemed necessary by the Board.
- (5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

WILLIAM H. RYAN, Jr.,  
*Chairperson*

**Fiscal Note:** 125-182. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART VII. GAMING CONTROL BOARD**  
**Subpart K. TABLE GAMES**  
**CHAPTER 592. CRISS-CROSS POKER**

Sec.	
592.1.	Definitions.
592.2.	Criss-Cross Poker table physical characteristics.
592.3.	Cards; number of decks.
592.4.	Opening of the table for gaming.
592.5.	Shuffle and cut of the cards.
592.6.	Criss-Cross Poker rankings.
592.7.	Wagers.
592.8.	Procedure for dealing the cards from a manual dealing shoe.
592.9.	Procedure for dealing the cards from the hand.
592.10.	Procedure for dealing the cards from an automated dealing shoe.
592.11.	Procedures for completion of each round of play.
592.12.	Payout odds.
592.13.	Irregularities.

**§ 592.1. Definitions.**

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

*Across Hand*—A five-card Poker hand formed for each player by combining the two cards dealt to the player and the three community cards on the horizontal line of the cross.

*Community cards*—Cards which are used by all players to form a five-card Poker hand.

*Down Hand*—A five-card Poker hand formed for each player by combining the two cards dealt to the player and the three community cards on the vertical line of the cross.

**§ 592.2. Criss-Cross Poker table physical characteristics.**

(a) Criss-Cross Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Criss-Cross Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain:

- (1) The name or logo of the certificate holder.

(2) Five separate betting areas for each player designated for the placement of the Ante Wagers required under § 592.7(d) (relating to wagers).

(3) Five separate areas designated for the placement of the five community cards. The area for the community cards must form a cross with one box furthest from the table inventory container, three boxes in the center row and one box directly in front of the table inventory container.

(4) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 592.7(e), a separate area designated for the placement of the Five Card Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Criss-Cross Poker table.

(c) Each Criss-Cross Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Criss-Cross Poker table must have a discard rack securely attached to the top of the dealer’s side of the table.

**§ 592.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Criss-Cross Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Criss-Cross Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Criss-Cross Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**§ 592.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by

the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 592.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### § 592.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 592.8, § 592.9 or § 592.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Criss-Cross Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 592.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

#### § 592.6. Criss-Cross Poker rankings.

(a) The rank of the cards used in Criss-Cross Poker shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Criss-Cross Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, other than a royal flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of consecutive rank of different suits.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(8) Two pairs, which is a hand consisting of two pairs.

(9) A pair, which is a hand consisting of two cards of the same rank.

#### § 592.7. Wagers.

(a) Wagers at Criss-Cross Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Criss-Cross Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante Across and Ante Down Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 592.8, § 592.9 or § 592.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing

the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 592.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made after the dealer has announced “no more bets.”

(d) To participate in a round of play, a player shall place two equal but separate Ante Wagers designated as Ante Across and Ante Down.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Criss-Cross Poker table the option to make an additional Five Card Bonus Wager that the five community cards will form a hand with a rank of a pair of 6s or better. After placing the Ante Wager required under subsection (d), a player may make an additional Five Card Bonus Wager by placing a value chip onto the designated betting area for that player. A Five Card Bonus Wager will not have a bearing on any other wagers made by the player.

(f) Across, Down and Middle Bets shall be made in accordance with § 592.11(b), (d) and (f).

(g) A player may not wager on more than one player position at a Criss-Cross Poker table.

**§ 592.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 592.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets.”

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall deal five community cards face down to form a cross with one card in the box furthest from the dealer, three cards in the second row and one card in the box closest to the dealer. After dealing the five community cards, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time, face down to each player who has placed the two required Ante Wagers in accordance with § 592.7(d) (relating to wagers) until each player has two cards.

(e) After five cards have been dealt to the area designated for the placement of the community cards and two cards have been dealt to each player, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designed for the placement of the community cards has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 592.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 592.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets.”

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck. The dealer shall deal five community cards face down to form a cross with one card in the box furthest from the dealer, three cards in the second row and one card in the box closest to the dealer. After dealing the five community cards, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time, face down to each player who has placed the two required Ante Wagers in accordance with § 592.7(d) (relating to wagers) until each player has two cards.

(c) After five cards have been dealt to the area designated for the placement of the community cards and two cards have been dealt to each player, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designed for the placement of the community cards has more or

less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 592.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 592.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of five cards dispensed by the automated dealing shoe face down to the area designated for the placement of the community cards. The dealer shall spread the stack within the designated area to form a cross with the top card placed in the box furthest from the dealer, the next three cards are placed in the middle row and the bottom card placed in the box closest to the dealer. After dealing the five community cards, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deliver a stack of two cards face down to each of the players who has placed the two required Ante Wagers in accordance with § 592.7(d) (relating to wagers).

(c) After each stack of cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designed for the placement of the community cards has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 592.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 592.8, § 592.9 or § 592.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Criss-Cross Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his two cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place an Across Bet in an amount equal to one to three times the total amount of the player's Ante Across Wager. If a player does not place an Across Bet, the player's Ante Across and Ante Down Wagers shall be collected and the player's cards placed in the discard rack provided that if a player also placed a Five Card Bonus Wager, the player's Five Card Bonus Wager shall remain on the table until resolved in accordance with subsection (h)(5).

(c) After each player has made a decision regarding the Across Bet and any forfeited hands have been collected, the dealer shall then turn the two outside community cards in the horizontal row face up on the layout.

(d) After the first two community card are exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Down Bet in an amount equal to one to three times the total amount of the player's Ante Down Wager. If a player does not place a Down Bet, the player's Ante Across Wager, Ante Down Wager and Across Bet shall be collected and the player's cards placed in the discard rack provided that if a player also placed a Five Card Bonus Wager, the player's Five Card Bonus Wager shall remain on the table until resolved in accordance with subsection (h)(5).

(e) The dealer shall then turn the two outside community cards in the vertical row face up leaving only the middle community card face down on the layout.

(f) After the third and fourth community cards are exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Middle Bet in an amount equal to one to three times the amount of the player's Ante Across or Ante Down Wager. If a player does not place a Middle Bet, the player's Ante Across Wager, Ante Down Wager, Across Bet and Down Bet shall be collected and the player's cards placed in the discard rack provided that if a player also placed a Five Card Bonus Wager, the player's Five Card Bonus Wager shall remain on the table until resolved in accordance with subsection (h)(5). After all remaining players have placed a Middle Bet, each player shall place his cards face down on the appropriate area of the layout.

(g) The dealer shall then turn the middle community card face up on the layout. After all five community cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, turn the two cards of the player face up on the layout. The player's two cards and the three community cards in the horizontal line shall form the player's five-card Across Hand while the player's two cards and the three community cards in the vertical line shall form the player's five-card Down Hand.

(h) The dealer shall settle all wagers of that player by collecting losing wagers and paying winning wagers as follows:

(1) If a player's Across Hand:

(i) Is less than a pair of 6s, the dealer shall collect the losing Ante Across and Across Bet wagers.

(ii) Is a pair of 6s or better, the dealer shall return or pay out the winning Ante Across wager in accordance with § 592.12(a) (relating to payout odds) and the Across Bet in accordance with § 592.12(b).

(2) If a player's Down Hand:

(i) Is less than a pair of 6s, the dealer shall collect the losing Ante Down and Down Bet wagers.

(ii) Is a pair of 6s or better, the dealer shall return or pay out the winning Ante Down Wager in accordance with § 592.12(a) and the Down Bet in accordance with § 592.12(b).

(3) If neither of a player's Down or Across Hands contains a pair of 6s or better, the dealer shall collect the losing Middle Bet wager.

(4) If either of a player's Down or Across Hands contains a pair of 6s or better, the dealer shall pay out the Middle Bet wager in accordance with § 592.12(b). The payout shall be based on the higher ranking Across or Down Hand.

(5) After settling the player's other wagers, the dealer shall settle the player's Five Card Bonus Wager, if applicable. If the five community cards form a five-card Poker hand of a pair of 6s or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 592.12(c).

(i) After all wagers of the player have been settled, the dealer shall remove the player's cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 592.12. Payout odds.**

(a) Winning Ante Across and Ante Down Wagers shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Pair of jacks or better	1 to 1
Pair of 6s through 10s	Push

(b) Winning Across, Down and Middle Bet Wagers shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	500 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	12 to 1
Flush	8 to 1
Straight	5 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
Pair of 10s, jack, queens, kings or aces	1 to 1
Pair of 6s through 10s	Push

(c) If a certificate holder offers the Five Card Bonus Wager, winning Five Card Bonus Wagers shall be paid out at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	250 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	15 to 1
Flush	10 to 1
Straight	6 to 1
Three-of-a-kind	4 to 1
Two pair	3 to 1
Pair of 6s or better	1 to 1

**§ 592.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the community cards are inadvertently exposed prior to the dealer revealing the community cards in accordance with § 592.11(c), (e) and (g) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 14-1427. Filed for public inspection July 11, 2014, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 95, 109, AND 111 ]

### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 95, 109 and 110 (relating to manufacturer installed equipment; specialty boats and waterskiing activities; and special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. *Effective Date*

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

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendments to §§ 95.3, 109.2 and 109.4 (relating to lights for boats; paddleboards and sailboards; and waterskiing, aquaplaning, kiteskiing and similar activities) are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendment to § 111.49 (relating to Northumberland County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On March 6, 2014, the Boating Advisory Board considered these proposals and recommended that the Commission approve the publication of a proposed rulemaking containing the proposed amendments.

#### E. *Summary of Proposals*

(1) Section 95.3 provides boaters with information on the requirements for types, configurations and locations of navigation lights on boats. These provisions are within the actual wording of the regulation and by reference to Appendix A (relating to lights required on boats less than 20 meters in length; inland and international waters) and the Inland Navigation Rules Act of 1980 (repealed).

Based on a recent review of § 95.3, the Commission determined that it should be amended for a number of reasons. While there is a reference in § 95.3 to the the Inland Navigation Rules Act of 1980, Pennsylvania courts have found there is not explicit language within the regulation that states a boater must comply with these specific Federal rules. In addition, the Inland Navigation Rules Act of 1980 was moved in 2010 to 33 CFR Part 83 (relating to rules).

Section 95.3 also does not specifically incorporate the language of 33 CFR 83.20(b) (relating to application), also referred to as Rule 20, which states:

Rules concerning lights complied with from sunset to sunrise; other lights. The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.

Pennsylvania courts have strictly construed the language of § 95.3 and have not interpreted it to mean that a boater must refrain from using other lights or if other lights are used they may not impair the visibility or distinctive character of the required lights. The Commission's waterways conservation officers have encountered challenges with successfully prosecuting more severe violations such as boating under the influence when lighting deficiencies have been cited as probable cause to conduct a boarding.

For these reasons, the Commission proposes to amend § 95.3 to more closely reflect the lighting requirements in 33 CFR Part 83 and eliminate the reference to Appendix A. The Commission further proposes to delete Appendix A and rely solely on the narrative. These amendments are not a substantive change to lighting requirements for recreational boaters.

The Commission proposes to amend § 95.3 to read as set forth in Annex A.

(2) In recent years, paddleboarding has been gaining popularity. Paddleboards were traditionally used to surf in the ocean but are now being used in lakes and rivers. Paddleboards resemble oversized surfboards and models are designed for use on various water conditions. Paddleboards are primarily operated by a person standing on the board using a paddle in a manner similar to a canoe.

The United States Coast Guard, in a decisional memo dated October 3, 2008, classified paddleboards as vessels in accordance with 1 U.S.C.A. § 3. This classification means that when used beyond the narrow limits of a swimming, surfing or bathing area, a person may not use a paddleboard unless in compliance with 33 CFR Part 83 and applicable carriage requirements for this type of vessel. This includes a United States Coast Guard approved wearable life jacket for each person on board, a sound producing device, visual distress signals (if operating on Lake Erie) and proper navigation lights. An athletic coach's whistle and flashlight comply with these requirements. In addition, a Commission use permit, boat registration, or Pennsylvania State Parks launch permit or mooring permit is required if launching or retrieving a paddleboard at a Commission-owned or Commonwealth-controlled lake or access area, or State park or forest.

To address safety issues and concerns, and to provide clarity for operators regarding legal requirements for paddleboards, the Commission proposes to amend § 109.2 to read as set forth in Annex A.

(3) Several hydro flying devices have been designed and are available for consumer purchase and rental within recent years. These flying devices use pressurized water through jet ports to provide "lift" and allow the operator to become airborne to speeds of 30 miles per hour and heights up to 40 feet, or dive under the water's surface, while attached to a boat that may or may not be occupied by an operator. Trade names for these products include Jetlev, Aquaboard, Aquaflyer and Flyboard®.



The Jetlev is a device which straps to the operator and is attached by a hose to an independent power source that is pulled behind and pumps water to the actual device. Pressurized water supplied by the power source is forced out of several jets on the device and propels the operator through, under or over the surface of the water. Due to the configuration of the flying device's connection to its power source, the power source does not have the ability to be independently maneuvered. Under § 109.4(d), the Jetlev system is prohibited on Commonwealth waters. This subsection states that a "person may not operate a device which is controlled by a person connected to the power source by means of an umbilical or remote control, or both, which tows the person on or through the water."

The Flyboard® is a similar device that straps onto the operator's feet much like a snow board. The device is attached by a 55-foot hose to the rear of a personal watercraft (PWC) which may have an operator onboard for controlling the power. Pressurized water supplied by the PWC is forced out of two jets attached to the operator's feet and two more handheld jets which allow for directional movement through or under the water, or in the air. The Flyboard® is offered for sale with an optional electronic management kit which allows the throttle of the PWC to be remotely controlled by the airborne operator, thereby eliminating the need for an operator to be onboard the PWC for the flying device to be functional. Again, due to the configuration of the flying device's connection to its power source, the power source does not have the ability to be independently maneuvered. Under the Commission's regulations, the Flyboard® system is considered a towed watersport and is not prohibited on Commonwealth waters when the power source is a PWC with a capacity of at least three persons with an operator and competent observer onboard. All other provisions of waterskiing and PWC operation apply to this activity.

The Commission and boating safety professionals from across the Nation have safety concerns regarding these devices. The United States Coast Guard has not provided a determination regarding the definition of these flying devices and has advised states to manage their use within state laws or regulations.

To address safety issues and concerns with these specialized devices, the Commission proposes to amend § 109.4 to read as set forth in Annex A.

(4) Section 111.49 currently designates a slow, no wake zone on the southeastern shore of Packer's Island (incorrectly referred to as Packard's Island) in the Susquehanna River adjacent to Shikellamy State Park in Sunbury. The river at Sunbury is dammed by an inflatable structure controlled by the Department of Conservation and Natural Resources. The water impounded by this dam forms a 3,060-acre lake known as Lake Augusta. The lake extends several miles up both the West Branch and the main stem of the Susquehanna River and provides a variety of angling and boating opportunities. Shikellamy State Park is located on the tip of Packer's Island, which is also the location of a number of homes, cottages, campsites, a boat club and an airport.

The current slow, no wake zone is approximately 1/3 mile in length and was established by regulation in 1995 due to the number and activity of motorboats in this area and the resulting congestion problem around the State Park launch ramp and boat club. The presence of two bridges immediately upstream of the State Park launch ramp limits visibility for boaters and provided additional

justification for the slow, no wake designation. Buoys mark the upper and lower limits of the control zone, and appropriate intermediate points. The lengthy nature of this control zone results in boater confusion and unnecessarily inhibits use of a significant segment of the boating pool in this area.

The Commission proposes reducing the limits of the slow, no wake zone to be more easily identifiable, provide adequate protection for boaters and property owners, and reduce impediments to boating in this area. The State Park boat launch would remain the lower limit of the zone. The upper limit would be 200 feet above the Route 147 bridge, or the furthest upstream overhead power line. The State Park manager is supportive of this proposed amendment. Property owners outside of the limits of the modified slow, no wake zone may seek additional protections through the use of the Application for Permit to Install Floating Structures and Private Aids to Navigation (PFBC-277) rather than the rulemaking process to establish specific control zones.

In addition to the modification to the control zone, the Commission proposes correcting the name of the island.

The Commission proposes to amend § 111.49 to read as set forth in Annex A.

*F. Paperwork*

The proposed amendments will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

The proposed amendments will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will not impose new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking 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](http://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. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-258. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 95. MANUFACTURER INSTALLED EQUIPMENT**

**§ 95.3. Lights for boats.**

[ (a) *General rule.* A boat from sunset to sunrise and during periods of restricted visibility shall carry and exhibit the lights prescribed by the Inland Navigation Rules Act of 1980 (33 U.S.C.A.

§§ 2001—2073). A boat owner may elect to carry and exhibit the lights prescribed by the International Rules in lieu of the Inland Rules but, in that event, the boat owner shall comply in all respects with those standards. See Appendix A.

(b) *Boats less than 12 meters (39 feet 4.4 inches) in length while underway.*

(1) Motorboats and sailboats using power may use the lighting arrangement in Appendix A, Figure 1, 2 or 3.

(2) Sailboats using sail alone may use the lighting arrangement in Appendix A, Figure 4, 5 or 6.

(3) A motorboat or sailboat using power underway on the Great Lakes may use the lighting arrangement in Appendix A, Figure 7D instead of the arrangements in Appendix A, Figure 1 and 2.

(4) A sailboat using sail alone, less than 7 meters (22 feet 11.6 inches) in length if impractical to display lights in Appendix A, Figure 4, 5 or 6, may display a single white light in time to prevent a collision. See Appendix A, Figure 7C.

(c) *Boats 12 meters (39 feet 4.4 inches) but less than 20 meters (65 feet 7.4 inches) in length while underway.*

(1) Motorboats and sailboats using power may use the lighting arrangements in Appendix A, Figure 1 or 2.

(2) Sailboats using sail alone may use the lighting arrangement in Appendix A, Figure 4, 5 or 6.

(d) *Rowing or paddle boats while underway.* One hand held or permanent all-around white light shall be ready to display in time to prevent a collision. Appendix A, Figure 7, A or B.

(e) *Boat at anchor.*

(1) A boat must display anchor lights when it is anchored where other vessels normally navigate. See Appendix A, Figure 7E.

(2) Exception: Anchor lights are not required on boats anchored in special anchorage areas.

(f) *Locations of lights.* Lights shall be located and have the characteristics as shown in Appendix A.

(1) The masthead light (forward white light in Appendix A, Figures 1, 2 and 7D) shall be at least 1 meter (3 feet 3.4 inches) higher than the colored lights on a boat less than 12 meters (39 feet 4.4 inches) and at least 2.5 meters (8 feet 2.4 inches) above the gunwale on a boat 12 meters (39 feet 4.4 inches) in length but less than 20 meters (65 feet 7.4 inches) in length. The after masthead light (Appendix A, Figure 1 only), if used, shall be higher than the forward masthead light so as to be seen as a separate, distinct light at a distance of 1,000 meters (1,093 yards 1.8 feet) ahead of the boat.

(2) The all-around white lights shown in Appendix A, Figures 3 and 7D shall be 1 meter (3 feet 3.4 inches) higher than the colored lights.

(3) An anchor light shall be displayed where it can best be seen.

(g) *Docking lights.* It is unlawful for a boat operator to use docking lights while underway except when docking and the boat is traveling at slow, no wake speed and is within 100 feet of approaching a dock, a mooring buoy or the shoreline. For pur-

poses of this subsection, a docking light is a flood or spotlight type of light permanently installed or permanently mounted on a motorboat that is used to illuminate a boat's forward course of travel.]

(a) *General rule.* The navigation lights requirements in this section shall be complied with in all weather from sunset to sunrise on the waters of this Commonwealth. During these times other lights may not be exhibited, except lights that cannot be mistaken for the lights specified in this section, lights that do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout. The lights prescribed in this section must, if carried, be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary. The lights specified in this section must comply with United States Coast Guard specifications.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*All-round light*—A light showing an unbroken light over an arc of the horizon of 360°.

*Docking light*—A flood or spotlight type of light permanently installed or permanently mounted on a motorboat that is used to illuminate a boat's forward course of travel.

*Flashing light*—A light flashing at regular intervals at a frequency of 120 flashes or more per minute.

*Masthead light*—A white light placed over the fore and aft centerline of the boat showing an unbroken light over an arc of the horizon of 225° and fixed as to show the light from right ahead to 22.5° abaft the beam on either side of the boat, except that on a boat of less than 39.4 feet (12 meters) in length, the masthead light must be placed as nearly as practicable to the fore and aft centerline of the boat.

*Restricted visibility*—A condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or other similar causes.

*Sailboat*—A boat under sail provided that propelling machinery, if fitted, is not being used.

*Sidelights*—A green light on the starboard (right) side and a red light on the port (left) side, each showing an unbroken light over an arc of the horizon of 112.5° and fixed as to show the light from right ahead to 22.5° abaft the beam on its respective side. On a boat of less than 65.6 feet (20 meters) in length, the side lights may be combined in one lantern carried on the fore and aft centerline of the boat. On a boat of less than 39.4 feet (12 meters) in length, the sidelights when combined in one lantern must be placed as nearly as practicable to the fore and aft centerline of the boat.

*Special flashing light*—A yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180° nor more than 225° and fixed as to show the light from right ahead to abeam and no more than 22.5° abaft the beam on either side of the boat.

**Sternlight**—A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135° and fixed as to show the light 67.5° from right aft on each side of the boat.

**Underway**—A boat that is not at anchor, made fast to the shore or aground.

(c) **Visibility of lights.**—The lights prescribed in this section must have an intensity as specified by the United States Coast Guard so as to be visible at the following minimum ranges:

(1) In a boat of 164 feet (50 meters) or more in length: a masthead light, 6 miles; a sidelight, 3 miles; a sternlight, 3 miles; a towing light, 3 miles; a white, red, green or yellow all-round light, 3 miles; and a special flashing light, 2 miles.

(2) In a boat of 39.4 feet (12 meters) or more in length but less than 164 feet (50 meters) in length: a masthead light, 5 miles; except that when the length of the boat is less than 65.6 feet (20 meters), 3 miles; a sidelight, 2 miles; a sternlight, 2 miles; a towing light, 2 miles; a white, red, green or yellow all-round light, 2 miles; and a special flashing light, 2 miles.

(3) In a boat of less than 39.4 feet (12 meters) in length: a masthead light, 2 miles; a sidelight, 1 mile; a sternlight, 2 miles; a towing light, 2 miles; a white, red, green or yellow all-round light, 2 miles; and a special flashing light, 2 miles.

(4) In an inconspicuous, partly submerged boat or object being towed: a white all-round light, 3 miles.

(d) **Motorboats underway.**

(1) A motorboat underway must exhibit the following lights:

- (i) A masthead light forward.
- (ii) A second masthead light abaft of and higher than the forward one. A boat of less than 164 feet (50 meters) in length may exhibit this light.
- (iii) Sidelights.
- (iv) A sternlight.

(2) An air-cushion boat when operating in the nondisplacement mode must, in addition to the lights prescribed in paragraph (1), exhibit an all-round flashing yellow light where it can best be seen.

(3) A motorboat of less than 39.4 feet (12 meters) in length may, instead of the lights prescribed in paragraph (1), exhibit an all-round white light and sidelights.

(e) **Sailboats underway and unpowered boats.**

(1) A sailboat underway must exhibit the following lights:

- (i) Sidelights.
- (ii) A sternlight.

(2) In a sailboat of less than 65.6 feet (20 meters) in length, the lights prescribed in paragraph (1) may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(3) A sailboat underway may, in addition to the lights prescribed in paragraph (1), exhibit at or near the top of the mast, where they can best be

seen, two all-round lights in a vertical line, the upper being red and the lower green. These lights may not be exhibited in conjunction with the combined lantern permitted by paragraph (2).

(4) A sailboat of less than 23 feet (7 meters) in length must, if practicable, exhibit the lights prescribed in paragraph (1) or (2). If these lights are not exhibited, the sailboat must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision.

(5) A unpowered boat may exhibit the lights prescribed in this subsection for sailboats. If these lights are not exhibited, the unpowered boat must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision.

(f) **Anchored boats and boats aground.**

(1) A boat at anchor must exhibit an all-round white light where it can best be seen:

- (i) In the fore part.
- (ii) At or near the stern and at a lower level than the light prescribed in subparagraph (i).

(2) A boat of less than 164 feet (50 meters) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (1).

(3) A boat aground must exhibit the lights prescribed in paragraph (1) where they can best be seen.

(4) A boat of less than 65.6 feet (20 meters) in length, when at anchor in a special anchorage area designated by the United States Coast Guard, is not required to exhibit the anchor lights and shapes required under this subsection.

(g) **Boats being towed.** When, for any sufficient cause, it is impracticable for a boat or object being towed to exhibit the lights prescribed in this section, all possible measures shall be taken to light the boat or object towed or at least to indicate the presence of the unlighted boat or object.

(h) **Docking lights.** It is unlawful for a boat operator to use docking lights while underway except when docking and the boat is traveling at slow, no wake speed and is within 100 feet of approaching a dock, a mooring buoy or the shoreline.

*(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete Appendix A which appears in 58 Pa. Code page 95-8, serial page (213852).)*

Appendix A. (Reserved)

#### CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.2. [ Sailboards ] Paddleboards and sailboards.

(a) [ *Definition. A* ] **Paddleboards.** For purposes of this subsection, a paddleboard is a boat with no freeboard propelled by a paddle, oar, pole or other device. It is unlawful for a person to operate or attempt to operate a paddleboard on waters of this Commonwealth without having a United States Coast Guard approved wearable personal flotation device on board for each person, unless otherwise required to be worn in accordance with § 97.1

(relating to personal flotation devices). This prohibition does not apply to persons operating or attempting to operate a paddleboard in designated swimming, surfing or bathing areas.

(b) *Sailboards.* For purposes of this subsection, a sailboard is a type of single or double hulled boat equipped with an articulating mast and designed to be operated by a person standing on the board and maneuvering through the trim of the hand-held sail and distribution of body weight on the board.

[ (b) *Personal flotation devices.* ] It is unlawful for a person to operate or attempt to operate a sailboard on waters of this Commonwealth unless the person is wearing a [ **Type I, II, III or V** ] United States Coast Guard approved **wearable** personal flotation device. Inflatable personal flotation devices may not be used to meet this requirement.

**§ 109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.**

\* \* \* \* \*

(k) *Wake surfing.* Boats engaged in the activity of wake surfing are limited to slow, no wake speed when within 200 feet of the following:

\* \* \* \* \*

(8) Other marked areas.

(l) *Use of airborne devices prohibited.* A person, while being towed by or otherwise attached to a watercraft, may not use a device, except for a parasail, for the purpose of becoming airborne over the waters of this Commonwealth. While operating a watercraft, a person may not tow behind or have attached to the watercraft a person using a device except for a parasail for the purpose of becoming airborne over the waters of this Commonwealth. This subsection does not apply to traditional aquaplaning activities when the aquaplaner momentarily leaves the water while jumping wakes or doing specialty tricks.

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.49. Northumberland County.**

*Susquehanna River.* Boats are limited to slow, no wake speed from the vicinity of the Shikellamy State Park boat launch on the south side of [ **Packard's** ] **Packer's** Island upriver a distance of [ **1/3 mile** ] **200 feet above the Route 147 bridge.**

[Pa.B. Doc. No. 14-1428. Filed for public inspection July 11, 2014, 9:00 a.m.]

**STATE BOARD  
OF MEDICINE**

[ **49 PA. CODE CHS. 16 AND 18** ]

**Prosthetists, Orthotists, Pedorthists and Orthotic Fitters**

The State Board of Medicine (Board) proposes to amend §§ 16.11 and 16.13 (relating to licenses, certificates and registrations; and licensure, certification, examination and registration fees) and add Chapter 18, Subchapter L

(relating to prosthetists, orthotists, pedorthists and orthotic fitters) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

The act of July 5, 2012 (P.L. 873, No. 90) (Act 90) amended the Medical Practice Act of 1985 (act) (63 P.S. §§ 422.1—422.51a) to require the Board to issue licenses to prosthetists, orthotists, pedorthists and orthotic fitters, to regulate the practice of these professions and to discipline licensees. Section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the act.

*Background and Need for Amendments*

Act 90 was introduced to provide licensure for and regulatory oversight of prosthetists, orthotists, pedorthists and orthotic fitters. Act 90 became effective immediately and instructed the Board to promulgate regulations within 18 months of the effective date, or by January 5, 2014. Act 90 further provided that it would become effective upon publication of the final-form rulemaking or 24 months from the effective date, whichever occurred first.

Following enactment of Act 90, a draft rulemaking was prepared. On August 14, 2012, the Board provided the draft to stakeholders, including the following: members of the regulated community and their association representatives; representatives from the University of Pittsburgh's prosthetic and orthotic educational program; representatives from the Temple University School of Podiatry, which operates a pedorthic education program; the Pennsylvania Medical Society and a physician specialty organization in orthopedics; representatives from the House Professional Licensure Committee and the Independent Regulatory Review Commission (IRRC); and the two National credentialing bodies for the profession, the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC) and the Board of Certification/Accreditation (BOC). The Board also invited these stakeholders and interested parties to a meeting on September 10, 2012. The meeting was announced on the Board's web site to invite other interested parties.

Extensive discussions were held with the stakeholders regarding the draft rulemaking at the meeting on September 10, 2012. After making amendments to the draft based on comments received during and after that meeting, the Board provided another draft of the draft rulemaking to the stakeholders on November 27, 2012. On December 4, 2012, the Board again met with stakeholders regarding the draft rulemaking. Additional amendments were made based on input from the stakeholders. At its February 6, 2013, meeting, the Board approved the draft rulemaking for publication as proposed rulemaking.

*Description of Proposed Amendments*

The proposed rulemaking would amend § 16.11 to add prosthetists, orthotists, pedorthists and orthotic fitters to the list of individuals licensed by the Board. In addition, the Board proposes to issue the following permits which apply to individuals who have completed their educational program but have not yet completed all requirements for full licensure (such as, residency, practice requirement or examination): graduate prosthetist permit; provisional prosthetist license; graduate orthotist permit; provisional orthotist license; temporary practice permit—pedorthist; and temporary practice permit—

orthotic fitter. The proposed rulemaking would also amend § 16.13 to provide for fees for the various applications for initial licensure and for biennial renewal of prosthetist, orthotist, pedorthist and orthotic fitter licenses as well as for the application for reactivation. The fees are based on estimates of the cost of processing each of the application types, with consideration given to the average salary of the new licensees in each licensing category.

The proposed rulemaking would add Chapter 18, Subchapter L. Section 18.801 (relating to purpose) would state the purpose of the subchapter, which is to implement the amendments to the act related to licensure of prosthetists, orthotists, pedorthists and orthotic fitters. Section 18.802 (relating to definitions) would set forth definitions of terms used in the subchapter.

Sections 18.811—18.815 address the requirements for licensure of prosthetists. Section 18.811 (relating to graduate permit) provides the information necessary for an applicant to apply for a graduate permit to practice as a prosthetist during the individual's clinical residency following graduation from the individual's education program. A graduate permit would be valid for practice during the clinical residency and would remain valid for up to 90 days after successful completion of the clinical residency or until a temporary license is granted. A graduate permit is nonrenewable. Should an individual fail to complete the clinical residency and later re-enroll in a clinical residency, the individual would be required to obtain a new graduate permit.

Section 18.812 (relating to clinical residency) sets forth criteria for a clinical residency, including the nature of supervision that shall be provided to a graduate permit holder, that the clinical residency shall be accredited by the National Commission on Orthotic and Prosthetic Education (NCOPE) and that the clinical residency shall be obtained subsequent to meeting the education requirement and be at all levels of prosthetic care.

Section 18.813 (relating to provisional prosthetist license) provides the information necessary for an applicant to apply for a provisional prosthetist license, which is the license that will allow an individual to provide direct patient care after completion of the clinical residency. This license allows the individual to practice while completing the three-step examination process that will qualify the individual for full licensure. A provisional license is valid for a maximum of 2 years and is nonrenewable. Should an individual fail to successfully complete the examinations in a 2-year period, the individual would be required to reapply for a provisional license to continue practicing.

Section 18.814 (relating to prosthetist license) provides the information necessary for an applicant to apply for a prosthetist license. The qualifications for licensure are in section 13.5(a) of the act (63 P. S. § 422.13e(a)). This section of the act provides that applicants must have "two years (3,800 hours) of experience to qualify for licensure." However, section 13.5(f) of the act, regarding license without examination, refers instead to "two years or 3,800 hours" of experience. Because the licensure scheme is intended to ensure that only qualified individuals provide services to the public, the Board interprets both of these sections to require applicants to demonstrate a minimum of 3,800 hours of experience over a 2-year period. To interpret the act otherwise could result in an absurd result. For example, an individual who provided 3,800 hours of professional services sporadically over a 20-year period, without ever developing competence in the profes-

sion, could qualify for licensure. The Board does not believe this could have been the intent of the General Assembly.

Section 18.815 (relating to alternate pathway for prosthetist license) provides the information necessary for an applicant to apply for a prosthetist license without examination. The act allows for a "grandfathering" period ending July 7, 2014, for individuals who have been in practice prior to the requirement that prosthetists be educated at the master's degree level. This section will expire at 5 p.m. on July 7, 2014. The Board will make applications for licensure, including licensure without examination, available at least 6 months prior to that date.

Section 18.816 (relating to demonstration of qualifications) would give applicants information about the type of documentation that will be required by the Board for an applicant to demonstrate the qualifications in the act and this chapter.

Section 18.821—18.825 contain provisions relevant to orthotists. Section 18.821 (relating to graduate permit) provides the information necessary for an applicant to apply for a graduate permit to practice as an orthotist during the individual's clinical residency following graduation from the individual's education program. A graduate permit is valid only for practice during the clinical residency and is nonrenewable. Should an individual fail to complete the clinical residency and later re-enroll in a clinical residency, the individual would be required to obtain a new graduate permit.

Section 18.822 (relating to clinical residency) sets forth criteria for a clinical residency, including the nature of supervision that shall be provided to a graduate permit holder, that the clinical residency shall be accredited by NCOPE and that the clinical residency shall be obtained subsequent to education and be at all levels of orthotic care.

Section 18.823 (relating to provisional orthotist license) provides the information necessary for an applicant to apply for a provisional orthotist license, which is the license that will allow an individual to provide direct patient care after completion of the clinical residency. This license allows the individual to practice while completing the three-step examination process that will qualify the individual for full licensure. A provisional license is valid for a maximum of 2 years and is nonrenewable. Should an individual fail to successfully complete the examinations in a 2-year period, the individual would be required to reapply for a provisional license to continue practicing.

Section 18.824 (relating to orthotist license) provides the information necessary for an applicant to apply for an orthotist license. This section includes the statutory requirements for licensure in section 13.5(a) of the act. The Board interprets the experience requirement in the act regarding orthotists the same as the experience requirement for prosthetists, as discussed in the description to § 18.814.

Section 18.825 (relating to alternate pathway for orthotist license) provides the information necessary for an applicant to apply for an orthotist license without examination. The act allowed for a "grandfathering" period ending July 7, 2014, for individuals who have been in practice prior to the requirement that orthotists be educated at the master's degree level. This section will expire at 5 p.m. on July 7, 2014. The Board will make

applications for licensure, including licensure without examination, available at least 6 months prior to that date.

Section 18.826 (relating to demonstration of qualifications) would give applicants information about the type of documentation that will be required by the Board for an applicant to demonstrate the qualifications in qualifications in the act and this chapter.

Sections 18.831—18.834 contain provisions relevant to pedorthists. Section 18.831 (relating to temporary practice permit) provides the information necessary for an applicant to apply for a temporary practice permit to provide pedorthic patient care after completion of the pedorthic education program. The temporary permit allows the individual to obtain the 1,000 hours of supervised patient fitting experience necessary for full licensure.

Section 18.832 (relating to patient fitting experience) sets forth the requirements of the patient fitting experience that a pedorthist shall complete after completing the pedorthic education program and prior to applying for licensure.

Section 18.833 (relating to pedorthist license) provides the information necessary for an applicant to apply for a pedorthist license. This section includes the statutory requirements for licensure.

Section 18.834 (relating to alternate pathway for pedorthist license) provides the information necessary for an applicant to apply for a pedorthist license without examination, as provided in the act. This section will expire at 5 p.m. on July 7, 2014. The Board will make applications for licensure, including licensure without examination, available at least 6 months prior to that date.

Section 18.835 (relating to demonstration of qualifications) would give applicants information about the type of documentation that will be required by the Board for an applicant to demonstrate the qualifications in the act and this chapter.

Sections 18.841—18.844 contain provisions relevant to orthotic fitters. Section 18.841 (relating to temporary practice permit) provides the information necessary for an applicant to apply for a temporary practice permit to provide orthotic fitting patient care after completion of the orthotic fitter education program. The temporary permit allows the individual to obtain the 1,000 hours of patient fitting experience necessary for full licensure.

Section 18.842 (relating to orthotic fitting care experience) sets forth the requirements of the patient fitting experience that an orthotic fitter shall complete after completing the orthotic fitter education program and prior to applying for licensure.

Section 18.843 (relating to orthotic fitter license) provides the information necessary for an applicant to apply for an orthotic fitter license. This section includes the statutory requirements for licensure.

Section 18.844 (relating to alternate pathway for orthotic fitter license) provides the information necessary for an applicant to apply for an orthotic fitter license without examination, as provided in the act.

Section 18.845 (relating to demonstration of qualifications) would give applicants information about the type of documentation that will be required by the Board for an applicant to demonstrate the qualifications in the act and this chapter.

Section 18.851 (relating to scope and standards of practice) sets forth scope and standards of practice for prosthetists, orthotists, pedorthists and orthotic fitters. Subsections (a) and (b) echo requirements in the act that licensees review the prescription and referral or order of the prescribing practitioner and understand any restrictions placed on the course of treatment that the licensee will provide and that licensees review the relevant clinical notes provided by the prescribing practitioner. Subsection (c) requires the licensee to retain a copy of the prescription, clinical notes and results of the patient's medical examination. Subsection (d) forbids a licensee from accepting a prescription when the licensee knows that he cannot furnish the device within a reasonable period of time. In these cases, subsection (d) requires the licensee to consult with the prescribing practitioner and notify the patient of the problem. Subsection (e) provides the minimum content of the clinical notes of the medical diagnostic examination that a licensee shall review before accepting a prescription.

Section 18.852 (relating to delegation) provides rules for licensed prosthetists, orthotists and pedorthists regarding delegating tasks to unlicensed assistive personnel. According to individuals involved in these professions, assistants are employed to provide support services and to complete simple tasks that do not require the education and training of a licensee. These individuals would need to be under the direct, onsite supervision of the delegating practitioner.

Section 18.853 (relating to unprofessional and immoral conduct) provides notice to licensees regarding the disciplinary process and defines conduct that is prohibited as unprofessional or immoral.

Section 18.861 (relating to biennial renewal of license) provides for the biennial renewal of the four license categories, and effectuates the provisions regarding continuing education and required professional liability insurance. Subsection (b)(5) requires a licensee to verify that the licensee has completed the continuing education mandated by the act as a condition of biennial renewal and that the licensee is, or will be, covered by the required professional liability insurance.

Section 18.862 (relating to continuing education) sets forth the continuing education requirements for active licensees and those requesting reactivation. In addition, provisions regarding requesting a waiver of the continuing education requirements, discipline for noncompliance, approved continuing education sources and the documentation of continuing education completion that licensees shall maintain are in this section.

Section 18.863 (relating to inactive and expired status of licenses; reactivation of inactive or expired license) provides information to licensees about how a license becomes inactive, that a licensee whose license is inactive is not permitted to practice and how to reactivate an inactive or expired license. Subsection (d) provides that a licensee whose license has been inactive for 2 years or more will be required to demonstrate continued competence to practice by showing current certification by the ABC or BOC. The interested parties who provided input to the Board on this proposed rulemaking agreed that the 2-year period was the appropriate period after which the Board should require demonstration of continued competence through current certification. Late fees are addressed in § 18.863(e).

Section 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, ped-

orthist or orthotic fitter) repeats section 13.5(i) of the act, which requires liability insurance for all licensees. Subsection (b) will provide licensees with guidance regarding acceptable proof of coverage. Subsection (c) informs licensees that they are prohibited from practicing until proof of insurance has been provided.

*Fiscal Impact and Paperwork Requirements*

The statutory requirements for licensure, completion of mandatory continuing education and maintenance of professional liability insurance will have a fiscal impact on the regulated community. However, because these are statutory requirements, it is the act, and not the Board's proposed rulemaking, that will impose a fiscal requirement on licensees. The proposed rulemaking will also have a fiscal impact on State government, through impact on the Board, which will incur costs associated with administering and enforcing the act and the regulations. Fiscal impact on local governments is not anticipated. The proposed rulemaking will require additional paperwork by the regulated community and by the Board in issuing licenses, tracking licenses and maintaining proof of compliance with the statutory and regulatory requirements. Fiscal impact on local governments is not anticipated.

Estimates of the costs associated with the statutory requirements and this proposed rulemaking are in the Regulatory Analysis Form, which is available upon request.

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 30, 2014, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Teresa Lazo, Board Counsel, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ANDREW J. BEHNKE, MD,  
*Chairperson*

*(Editor's Note:* Numbering for § 16.11 will be addressed upon publication of final-form rulemaking. See the proposed rulemaking published at 43 Pa.B. 6212 (October 19, 2013) for proposed additions to § 16.13 and Chapter 18. In Annex A, proposed subsections in § 16.13

and regulations in Chapter 18 are numbered in accordance with the proposed rulemaking published at 43 Pa.B. 6212.)

**Fiscal Note:** 16A-4943. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

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

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS**

**§ 16.11. Licenses, certificates and registrations.**

\* \* \* \* \*

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

\* \* \* \* \*

- (9) Respiratory therapist license.
- (10) **Prosthetist license.**
- (11) **Orthotist license.**
- (12) **Pedorthist license.**
- (13) **Orthotic fitter license.**
- (14) **Graduate prosthetist permit.**
- (15) **Provisional prosthetist license.**
- (16) **Graduate orthotist permit.**
- (17) **Provisional orthotist license.**
- (18) **Temporary practice permit—pedorthist.**
- (19) **Temporary practice permit—orthotic fitter.**

(c) The following registrations are issued by the Board:

\* \* \* \* \*

- (12) Biennial registration of a perfusionist license.
- (13) **Biennial renewal of a prosthetist.**
- (14) **Biennial renewal of an orthotist.**
- (15) **Biennial renewal of a pedorthist.**
- (16) **Biennial renewal of an orthotic fitter.**

**§ 16.13. Licensure, certification, examination and registration fees.**

\* \* \* \* \*

- (n) **Prosthetists.**
- Application for prosthetist license ..... \$50**
- Application for prosthetist license without examination ..... \$100**
- Biennial renewal of prosthetist license..... \$75**
- Application for reactivation of prosthetist license ..... \$50**
- Application for graduate prosthetist permit... \$50**
- Application for provisional prosthetist license ..... \$50**

**(o) Orthotist License.**

- Application for orthotist license..... \$50
- Application for orthotist license without examination .....\$100
- Biennial renewal of orthotist license..... \$75
- Application for reactivation of orthotist license ..... \$50
- Application for graduate orthotist permit..... \$50
- Application for provisional orthotist license .. \$50

**(p) Pedorthists.**

- Application for pedorthist license ..... \$25
- Application for pedorthist license without examination ..... \$25
- Biennial renewal of pedorthist license ..... \$75
- Application for reactivation of pedorthist license ..... \$25
- Application for pedorthist temporary permit . \$25

**(q) Orthotic Fitters.**

- Application for orthotic fitter license ..... \$25
- Application for orthotic fitter license without examination..... \$25
- Biennial renewal of orthotic fitter license..... \$75
- Application for reactivation of orthotic fitter license ..... \$25
- Application for orthotic fitter temporary permit ..... \$25

**CHAPTER 18. STATE BOARD OF MEDICINE—  
PRACTITIONERS OTHER THAN MEDICAL  
DOCTORS**

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

**Subchapter L. PROSTHETISTS, ORTHOTISTS,  
PEDORTHISTS AND ORTHOTIC FITTERS**

**GENERAL PROVISIONS**

- 18.801. Purpose.
- 18.802. Definitions.

**QUALIFICATIONS FOR LICENSURE AS A PROSTHETIST**

- 18.811. Graduate permit.
- 18.812. Clinical residency.
- 18.813. Provisional prosthetist license.
- 18.814. Prosthetist license.
- 18.815. Alternate pathway for prosthetist license.
- 18.816. Demonstration of qualifications.

**QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIST**

- 18.821. Graduate permit.
- 18.822. Clinical residency.
- 18.823. Provisional orthotist license.
- 18.824. Orthotist license.
- 18.825. Alternate pathway for orthotist license.
- 18.826. Demonstration of qualifications.

**QUALIFICATIONS FOR LICENSURE AS A PEDORTHIST**

- 18.831. Temporary practice permit.
- 18.832. Patient fitting experience.
- 18.833. Pedorthist license.
- 18.834. Alternate pathway for pedorthist license.
- 18.835. Demonstration of qualifications.

**QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIC FITTER**

- 18.841. Temporary practice permit.
- 18.842. Orthotic fitting care experience.
- 18.843. Orthotic fitter license.
- 18.844. Alternate pathway for orthotic fitter license.
- 18.845. Demonstration of qualifications.

**REGULATION OF PRACTICE**

- 18.851. Scope and standards of practice.
- 18.852. Delegation.
- 18.853. Unprofessional and immoral conduct.

**BIENNIAL RENEWAL AND REACTIVATION**

- 18.861. Biennial renewal of license.
- 18.862. Continuing education.
- 18.863. Inactive and expired status of licenses; reactivation of inactive or expired license.
- 18.864. Professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter.

**GENERAL PROVISIONS**

**§ 18.801. Purpose.**

This subchapter implements section 13.5 of the act (63 P. S. § 422.13e), regarding prosthetists, orthotists, pedorthists and orthotic fitters.

**§ 18.802. Definitions.**

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

*ABC*—American Board for Certification in Orthotics, Prosthetics & Pedorthics, Inc., an organization with certification programs accredited by the NCCA. The term includes a successor organization.

*Accommodative*—Designed with a primary goal of conforming to an individual’s anatomy.

*BOC*—Board of Certification/Accreditation International, Inc., an organization with certification programs accredited by the NCCA. The term includes a successor organization.

*CAAHEP*—Commission on Accreditation of Allied Health Education Programs, recognized by the Council for Higher Education Accreditation to accredit prosthetic and orthotic education programs.

*Custom-designed device*—A prosthesis, orthosis or pedorthic device that is designed to comprehensive measurements or a mold for use by a patient in accordance with a prescription and which requires substantial clinical and technical judgment in its design.

*Custom-fabricated device*—A prosthesis, orthosis or pedorthic device that is fabricated to comprehensive measurements or a patient model or mold for use by a patient in accordance with a prescription and which requires substantial clinical and technical judgment in its design, fabrication and fitting.

*Custom-fitted or custom-modified device*—A prefabricated prosthesis, orthosis or pedorthic device to accommodate the patient’s measurement that is sized or modified for use by the patient in accordance with a prescription and which requires substantial clinical judgment and substantive alteration in its design for appropriate use.

*Hour of continuing education*—At least 50 minutes of instruction, including relevant question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.

*ICE*—The Institute for Credentialing Excellence, previously known as the National Organization for Competency Assurance.

*Licensed prescribing practitioner*—A physician, podiatrist, certified registered nurse practitioner or physician assistant, licensed by the practitioner’s respective licensing board, who may issue orders and prescriptions to a prosthetist, orthotist, pedorthist or orthotic fitter.



*NCCA*—The National Commission for Certifying Agencies or its successor.

*NCOPE*—National Commission on Orthotic and Prosthetic Education, an organization that approves precertification education courses for pedorthists and orthotic fitters and accredits residency programs for prosthetists and orthotists.

*Orthosis*—A custom-designed, custom-fabricated, custom-fitted or custom-modified device designed to externally provide support, alignment or prevention to the body or a limb for the purposes of correcting or alleviating a neuromuscular or musculoskeletal disease, injury or deformity.

*Orthotic fitter*—An individual who is licensed by the Board to practice orthotic fitting.

*Orthotic fitting*—The fitting, dispensing and adjusting pursuant to a written prescription of a licensed prescribing practitioner of prefabricated orthotic devices.

*Orthotic and prosthetic assistant*—An unlicensed individual who, under the direct, onsite supervision of the orthotist or prosthetist, assists an orthotist or prosthetist with patient care and who may fabricate, repair and maintain devices to provide maximum fit and function.

*Orthotic and prosthetic technician*—An unlicensed individual who, under the direct onsite supervision of an orthotist or prosthetist, provides technical support to an orthotist or prosthetist and who may fabricate, repair and maintain devices.

*Orthotics*—The practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing an orthosis for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity as provided in the act.

*Orthotist*—An individual who is licensed by the Board to practice orthotics pursuant to a written prescription of a licensed prescribing practitioner.

*Over-the-counter orthoses and pedorthic devices*—Prefabricated, mass-produced items that are prepackaged and do not require professional advice or judgment in either size selection or use, including fabric or elastic supports, corsets, generic arch supports and elastic hose.

*Pedorthic device*—

(i) Therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses, foot orthoses and below-the-knee pedorthic modalities.

(ii) The term does not include the following:

(A) Nontherapeutic, accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture.

(B) Unmodified, nontherapeutic over-the-counter shoes.

(C) Prefabricated, unmodified or unmodifiable foot care and footwear products.

*Pedorthic support personnel*—An unlicensed individual who, under the direct onsite supervision of a pedorthist, assists a pedorthist in the provision of pedorthic care. Pedorthic support personnel may not practice prosthetics, orthotics, pedorthics or orthotic fitting.

*Pedorthics*—The practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful or disabling conditions related to the lower extremities.

*Pedorthist*—An individual licensed under the act to practice pedorthics pursuant to a written prescription of a licensed prescribing practitioner.

*Podiatrist*—An individual licensed under the Podiatry Practice Act (63 P. S. §§ 42.1—42.21c) to practice podiatry.

*Prefabricated orthotic devices*—

(i) A brace or support designed to provide for alignment, correction or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity.

(ii) The term does not include fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances or other similar devices carried in stock and sold as over-the-counter items.

*Prosthesis*—

(i) A custom-designed, custom-fabricated, custom-fitted or custom-modified device to replace an absent external limb for purposes of restoring physiological function that is not surgically implanted.

(ii) The term does not include the following:

(A) Artificial eyes, ears, fingers or toes.

(B) Dental appliances.

(C) Cosmetic devices such as breast prostheses, eyelashes or wigs.

(D) Other devices that do not have a significant impact on the musculoskeletal functions of the body.

*Prosthetics*—The practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing a prosthesis.

*Prosthetist*—An individual, other than a licensed physical therapist or occupational therapist, licensed under the act to practice prosthetics pursuant to a written prescription of a licensed prescribing practitioner.

### QUALIFICATIONS FOR LICENSURE AS A PROSTHETIST

#### § 18.811. Graduate permit.

(a) Prior to providing direct patient care during a clinical residency, an individual shall submit an application, on forms made available by the Board, for a graduate permit that authorizes the individual to work as a graduate prosthetist. The Board may grant a graduate permit to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may issue a graduate permit to practice as a prosthetist to an applicant who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in prosthetics or prosthetics/orthotics.

(3) Has registered with NCOPE as a prosthetist or prosthetist/orthotist resident.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

(5) Otherwise satisfies the requirements for a graduate permit and is not barred from licensure.

(c) The Board may deny an application for a graduate permit upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) A graduate permit is valid during the clinical residency and for up to 90 days after successful completion of the clinical residency or until a provisional license is issued, whichever occurs first. A graduate permit is nonrenewable.

**§ 18.812. Clinical residency.**

(a) A graduate prosthetist shall practice only under the direct supervision of a licensed prosthetist, ABC-certified prosthetist or BOC-certified prosthetist within the clinical residency. For purposes of this section, "direct supervision" means the supervisor is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) The clinical residency shall be accredited by NCOPE.

(c) The clinical residency shall be obtained subsequent to education and be at all levels of prosthetic care.

**§ 18.813. Provisional prosthetist license.**

(a) An individual shall submit an application, on forms made available by the Board, for a provisional license which will authorize the individual to provide direct patient care, under direct supervision as defined in § 18.812(a) (relating to clinical residency), as a provisionally-licensed prosthetist following completion of a clinical residency. The Board may grant a provisional license to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may grant a provisional license to an individual who:

- (1) Is of good moral character.
- (2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in prosthetics or prosthetics/orthotics.
- (3) Has completed an NCOPE-accredited clinical residency in prosthetics or prosthetics/orthotics.
- (4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).
- (5) Otherwise satisfies the requirements for a provisional license is not barred from licensure.

(c) The Board may deny an application for a provisional license upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) A provisional license is valid for a maximum of 2 years and is nonrenewable.

**§ 18.814. Prosthetist license.**

(a) An applicant for a license to practice as a prosthetist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents and pay the applica-

tion fee in § 16.13(n) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a prosthetist to an applicant who:

- (1) Is of good moral character.
- (2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in prosthetics or prosthetics/orthotics.
- (3) Has completed a minimum of 3,800 hours of experience in providing direct patient care services in prosthetics or in prosthetics and orthotics over a 2-year period. In meeting the requirement of this paragraph, an applicant may present documentation from the applicant's employer or supervisor and the director of the applicant's clinical residency in prosthetics or prosthetics/orthotics.
- (4) Has met the qualifications for certification and received certification from a prosthetic credentialing organization whose certification program is accredited by NCCA.
- (5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).
- (6) Otherwise satisfies the requirements for licensure and is not barred from licensure.

(c) The Board may deny an application for licensure as a prosthetist or upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

**§ 18.815. Alternate pathway for prosthetist license.**

(a) Through July 7, 2014, an individual may apply for licensure as a prosthetist without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees) and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications in section 13.5(a)(8), (f) and (i) of the act (63 P. S. § 422.13e(a)(8), (f) and (i)), as set forth in this section.

(b) The Board may issue a license under this section to an applicant for prosthetist licensure who complies with this section and demonstrates the qualifications in section 13.5(a)(1) and (5)—(8) and (f) of the act.

(c) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall have a combination of at least 4 years of education, training and work experience, consisting of one of the following:

- (1) A bachelor's degree with a major in prosthetics or prosthetics/orthotics and, if the bachelor's degree was completed in less than 4 academic years, additional training or work experience in providing direct patient care to total 4 years.
- (2) An associate's degree in prosthetics or prosthetics/orthotics and a minimum of 3,800 hours of experience in providing direct patient services in prosthetics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.
- (3) At least 2 years or more of education, training or work experience in the field of prosthetics and a minimum of 3,800 hours of experience in providing direct patient care services in prosthetics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.

(d) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate current National certification from an organization approved by the Board as a prosthetist or prosthetist and orthotist.

(e) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate that the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012.

(f) The Board may deny an application for licensure as a prosthetist without examination upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(g) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will be returned to applicant.

#### § 18.816. Demonstration of qualifications.

An applicant for prosthetist licensure shall demonstrate:

(1) The degree or other education and training by having the educational institution submit, directly to the Board, verification of the degree and official transcript or certificates of attendance at other training.

(2) Direct patient care by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

(3) National certification by having the National certification body send verification of National certification directly to the Board.

(4) Compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

(5) That the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:

(i) The applicant's Federal tax returns from 2009—2012 listing the applicant's occupation as prosthetist or orthotist, as appropriate.

(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (2) demonstrating that the applicant has been in active, continuous practice.

#### QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIST

##### § 18.821. Graduate permit.

(a) Prior to providing direct patient care during a clinical residency, an individual shall submit an application, on forms made available by the Board, for a graduate permit that authorizes the individual to work as a graduate orthotist. The Board may grant a graduate permit to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may issue a graduate permit to practice as an orthotist to an applicant who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in orthotics or prosthetics/orthotics.

(3) Has registered with NCOPE as an orthotist or prosthetist/orthotist resident.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

(5) Otherwise satisfies the requirements for a graduate permit and is not barred from licensure.

(c) The Board may deny an application for licensure as an orthotist upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) A graduate permit is valid during the clinical residency and for up to 90 days after successful completion of the clinical residency or until a provisional license is issued, whichever occurs first. A graduate permit is nonrenewable.

##### § 18.822. Clinical residency.

(a) A graduate orthotist shall practice only under the direct supervision of a licensed orthotist, ABC-certified orthotist or BOC-certified orthotist within the clinical residency. For purposes of this section, "direct supervision" means the supervising licensed individual is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) A clinical residency shall be accredited by NCOPE.

(c) A clinical residency shall be obtained subsequent to education and be at all levels of orthotic care.

##### § 18.823. Provisional orthotist license.

(a) Following completion of the clinical residency, an individual may submit an application, on forms made available by the Board, for a provisional license which will authorize the individual to provide direct patient care under supervision as defined in § 18.822(a) (relating to clinical residency). The Board may grant a provisional license to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may grant a provisional license to an individual who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in orthotics or prosthetics/orthotics.

(3) Has completed an NCOPE-accredited clinical residency in orthotics or prosthetics/orthotics.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

(5) Otherwise satisfies the requirements for a provisional license and is not barred from licensure.

(c) The Board may deny an application for a provisional license as an orthotist upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) A provisional license is valid for a maximum of 2 years and is nonrenewable.

**§ 18.824. Orthotist license.**

(a) An applicant for a license to practice as an orthotist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as an orthotist to an applicant who:

- (1) Is of good moral character.
- (2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in orthotics or prosthetics/orthotics.
- (3) Has completed a minimum of 3,800 hours of experience in providing direct patient care services in orthotics or in prosthetics and orthotics over a 2-year period.

(4) Has met the qualifications for certification and received certification from an orthotic credentialing organization whose certification program is accredited by NCCA.

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthotist or orthotic fitter).

(6) Otherwise satisfies the requirements for licensure and is not barred from licensure.

(c) The Board may deny an application for licensure as an orthotist upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

**§ 18.825. Alternate pathway for orthotist license.**

(a) Through July 7, 2014, an individual may apply for licensure as an orthotist without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees), and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f) and (i) of the act (63 P.S. § 422.13e(a)(8), (f) and (i)), as set forth in this section.

(b) The Board may issue a license under this section to an applicant for orthotist licensure who complies with this section and demonstrates the qualifications in section 13.5(a)(1) and (5)—(8) and (f) of the act.

(c) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant must have a combination of at least 4 years of education, training and work experience, consisting of one of the following:

- (1) A bachelor's degree with a major in orthotics or prosthetics/orthotics and, if the bachelor's degree was completed in less than 4 academic years, additional training or work experience in providing direct patient care to total 4 years.
- (2) An associate's degree in orthotics or prosthetics/orthotics and a minimum of 3,800 hours of experience in

providing direct patient care in orthotics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.

(3) At least 2 years or more of education, training or work experience in the field of orthotics and a minimum of 3,800 hours of experience in providing direct patient care in orthotics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.

(d) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate current National certification from an organization approved by the Board as a orthotist or prosthetist and orthotist.

(e) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate that the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012.

(f) The Board may deny an application for licensure as an orthotist without examination upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(g) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will be returned to the applicant.

**§ 18.826. Demonstration of qualifications.**

An applicant for orthotist licensure shall demonstrate:

(1) The degree or other education and training by having the educational institution submit, directly to the Board, verification of the degree and official transcript or certificates of attendance at other training.

(2) Direct patient care by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

(3) National certification by having the National certification body send verification of National certification directly to the Board.

(4) Compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

(5) That the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:

(i) The applicant's Federal tax returns from 2009—2012 listing the applicant's occupation as prosthetist or orthotist, as appropriate.

(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (2) demonstrating that the applicant has been in active, continuous practice.

**QUALIFICATIONS FOR LICENSURE AS A PEDORTHIST**

**§ 18.831. Temporary practice permit.**

(a) Prior to providing pedorthic patient care and after completion of an approved pedorthic education program, an individual shall submit an application for a temporary practice permit authorizing the individual to work as a graduate pedorthist on forms made available by the

Board. The Board may grant a temporary practice permit to an applicant who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may issue a temporary practice permit to an applicant who:

- (1) Is of good moral character.
- (2) Has successfully completed an NCOPE-accredited precertification education program or its equivalent as determined by the Board.
- (3) Otherwise satisfies the requirements for a temporary practice permit and is not barred from licensure.

(c) The Board may deny an application for a temporary practice permit as a graduate pedorthist upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) A temporary practice permit is valid for a maximum of 1 year and is nonrenewable. A temporary practice permit automatically expires if the permit holder fails the examination.

**§ 18.832. Patient fitting experience.**

(a) A graduate pedorthist with a temporary practice permit shall practice only under the direct supervision of a licensed pedorthist within the work experience. For purposes of this section, "direct supervision" means the supervisor is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for counter-signing within 15 days the entries in the patient's clinical record.

(b) The supervised patient fitting experience must be obtained subsequent to education and must encompass all aspects of pedorthic care.

**§ 18.833. Pedorthist license.**

(a) An applicant for a license to practice as a pedorthist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a pedorthist to an applicant who:

- (1) Is of good moral character.
- (2) Has successfully completed an NCOPE-accredited pedorthic education program or its equivalent as determined by the Board.
- (3) Has completed a minimum of 1,000 hours of supervised patient fitting experience.
- (4) Holds current National certification from the ABC or the BOC.
- (5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).
- (6) Otherwise satisfies the requirements for licensure and is not barred from licensure.

(c) The Board may deny an application for licensure as a pedorthist upon the grounds for disciplinary action in

section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

**§ 18.834. Alternate pathway for pedorthist license.**

(a) Through July 7, 2014, an individual may apply for licensure as a pedorthist without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees) and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f), (i) of the act (63 P. S. § 422.13e(a)(8), (f) and (i)).

(b) The Board may issue a license under this section to an applicant for pedorthist licensure without examination who complies with this section and:

- (1) Meets the qualifications of section 13.5(a)(1) and (5)—(8) of the act.
- (2) Has successfully completed an NCOPE-accredited pedorthic education program or its equivalent as determined by the Board.
- (3) Has completed a minimum of 1,000 hours of supervised patient fitting experience.
- (4) Holds current National certification as a pedorthist from a certification organization recognized by the Board.
- (5) Has been in active continuous practice for the 3-year period between July 5, 2009, and July 5, 2012.
- (6) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

(c) The Board may deny an application for licensure as a pedorthist without examination upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will be returned to the applicant.

**§ 18.835. Demonstration of qualifications.**

An applicant for pedorthist licensure shall:

- (1) Demonstrate compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.
- (2) Demonstrate National certification by having the National certification body send verification of National certification directly to the Board.
- (3) Demonstrate completion of an NCOPE accredited pedorthic education program by having the educational institution submit, directly to the Board, verification of completion or demonstrate completion of an equivalent educational program by submitting an official transcript, course syllabi or other information to demonstrate equivalence as requested by the Board.
- (4) Demonstrate 1,000 hours of supervised patient fitting experience by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

(5) Demonstrate that the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:

(i) The applicant's Federal tax returns from 2009—2012 listing the applicant's occupation as pedorthist.

(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (4) demonstrating that the applicant has been in active, continuous practice.

#### QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIC FITTER

##### § 18.841. Temporary practice permit.

(a) Prior to providing orthotic fitting care, an individual shall obtain a temporary practice permit authorizing the individual to work as a graduate orthotic fitter. An individual shall submit an application for a temporary practice permit on forms made available by the Board. The Board may grant a temporary practice permit to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may grant a temporary practice permit to an individual who:

(1) Is of good moral character.

(2) Has successfully completed an NCOPE-approved orthotic fitter education program or its equivalent as determined by the Board.

(3) Otherwise satisfies the requirements for a temporary practice permit and is not barred from licensure.

(c) The Board may deny an application for a temporary practice permit upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) A temporary practice permit is valid for a maximum of 1 year and is nonrenewable. A temporary practice permit automatically expires if the permit holder fails the examination.

##### § 18.842. Orthotic fitting care experience.

(a) A graduate orthotic fitter with a temporary practice permit shall practice only under the direct supervision of an orthotist or orthotic fitter licensed by the Board or an orthotist or orthotic fitter certified by the ABC or the BOC. For purposes of this section, "direct supervision" means the supervising licensed individual is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) The orthotic fitting care experience must be obtained subsequent to education.

##### § 18.843. Orthotic fitter license.

(a) An applicant for a license to practice as an orthotic fitter shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as an orthotic fitter to an applicant who:

(1) Is of good moral character.

(2) Has successfully completed a BOC-approved or NCOPE-approved orthotic fitter education program or its equivalent as determined by the Board.

(3) Has completed a minimum of 1,000 hours of documented supervised orthotic fitting care experience.

(4) Holds current National certification from the ABC or the BOC.

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

(6) Otherwise satisfies the requirements for licensure and is not barred from licensure.

(c) The Board may deny an application for licensure as an orthotic fitter upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

##### § 18.844. Alternate pathway for orthotic fitter licensure.

(a) Through July 7, 2014, an individual may apply for licensure as an orthotic fitter without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees) and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f) and (i) of the act (63 P.S. § 422.13e(a)(8), (f) and (i)).

(b) The Board may issue a license under this section to an applicant for orthotic fitter licensure without examination who complies with this section and:

(1) Meets the qualifications of section 13.5(a)(1), (5)—(8) of the act.

(2) Has successfully completed a Board-approved entry level orthotic fitter education program.

(3) Has completed a minimum of 1,000 hours of supervised orthotic fitting care experience.

(4) Holds current National certification as an orthotic fitter from a certification organization recognized by the Board.

(5) Has been in active continuous practice for the 3-year period between July 5, 2009, and July 5, 2012.

(6) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

(c) The Board may deny an application for licensure as an orthotic fitter without examination upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).

(d) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will not be accepted and will be returned to the applicant.

##### § 18.845. Demonstration of qualifications.

An applicant for orthotic fitter licensure shall:

(1) Demonstrate compliance with § 18.864 (relating to professional liability insurance coverage for licensed

prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

(2) Demonstrate National certification by having the National certification body send verification of National certification directly to the Board.

(3) Demonstrate completion of a Board-approved entry level orthotic fitter education program by having the educational institution submit, directly to the Board, verification of completion.

(4) Demonstrate 1,000 hours of supervised orthotic fitting care experience by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

(5) Demonstrate that the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:

(i) The applicant's Federal tax returns from 2009—2012 listing the applicant's occupation as pedorthist.

(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (4) demonstrating that the applicant has been in active, continuous practice.

#### REGULATION OF PRACTICE

##### § 18.851. Scope and standards of practice.

(a) Prior to providing services to a patient, a prosthetist, orthotist, pedorthist or orthotic fitter shall review the prescription and referral or valid order of the licensed prescribing practitioner and understand conditions or restrictions placed on the course of treatment by the licensed prescribing practitioner.

(b) Prior to providing services to a patient, a prosthetist, orthotist, pedorthist or orthotic fitter shall ensure the patient has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a licensed prescribing practitioner by obtaining a copy of the prescription and relevant clinical notes.

(c) A prosthetist, orthotist, pedorthist or orthotic fitter shall retain a copy of the prescription and referral or valid order, clinical notes and results of the relevant medical diagnostic examination in the patient's file.

(d) A prosthetist, orthotist, pedorthist or orthotic fitter may not accept a prescription and referral or order when the prosthetist, orthotist, pedorthist or orthotic fitter knows, or has good cause to believe, that the device cannot be furnished within a reasonable period of time. In these instances, the prosthetist, orthotist, pedorthist or orthotic fitter shall consult with the licensed prescribing practitioner who wrote the prescription and referral or order and disclose the issue to the patient.

(e) For purposes of this section, the results of the medical diagnostic examination must include, at a minimum, diagnosis, prognosis, medical necessity and duration of need relevant to the practice of the prosthetist, orthotist, pedorthist or orthotic fitter.

##### § 18.852. Delegation.

(a) A prosthetist or orthotist may delegate to an orthotic and prosthetic assistant or orthotic and pros-

thetic technician, and a pedorthist may delegate to pedorthic support personnel, the performance of tasks if the following conditions are met:

(1) The delegation is consistent with the standards of acceptable prosthetic, orthotic and pedorthic practice embraced by the prosthetic, orthotic and pedorthic community in this Commonwealth.

(2) The practitioner delegating the task has knowledge that the delegatee has education, training, experience and competency to safely perform the task being delegated.

(3) The practitioner delegating the task has determined, by reviewing the case, that the delegation to the delegatee does not create an undue risk to the particular patient.

(4) The nature of the task and the delegation of the task has been explained to the patient by the practitioner delegating the task, and the patient does not object to the performance by the delegatee.

(5) The practitioner delegating the task assumes the responsibility for the delegated task, including the performance of the task, and is available to the delegatee for additional direction or assistance.

(6) The practitioner provides direct, onsite supervision of the tasks performed by a delegatee.

(7) The practitioner delegating the task assumes the responsibility for ensuring that the delegatee does not state or in any way imply, including through the use of titles, that the delegatee is licensed to practice orthotics, prosthetics, pedorthics or orthotic fitting.

(b) A prosthetist, orthotist or pedorthist may not delegate a task if the performance of the task is restricted by law to performance by a prosthetist, orthotist, pedorthist or orthotic fitter, or if the performance of the task requires knowledge and skill not ordinarily possessed by assistive personnel, including knowledge of complications and risks associated with the delegated task.

(c) A prosthetist, orthotist or pedorthist is responsible for the delegated task and may be disciplined for improperly delegating a task, for improperly supervising a delegatee and for the improper performance of a delegated task performed by the delegatee.

##### § 18.853. Unprofessional and immoral conduct.

(a) A licensee under this subchapter is subject to refusal of license or permit or disciplinary action under sections 22 and 41 of the act (63 P.S. §§ 422.22 and 422.41). Following a final determination subject to the right of notice, hearing and adjudication, and the right of appeal therefrom in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), this chapter and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Board may refuse licensure or impose any of the corrective actions in section 42 of the act (63 P.S. § 422.42).

(b) Unprofessional conduct includes:

(1) Engaging in conduct prohibited under § 16.110 (relating to sexual misconduct).

(2) Performing an act in a health care profession in a fraudulent, incompetent or negligent manner.

(3) Violating a provision of the act or this chapter setting a standard of professional conduct.

(4) Engaging in health care practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician or other health care practitioner whose profession the licensee is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required under statute or regulation.

(8) Misconduct in the practice of the licensee's profession or performing tasks fraudulently, incompetently or negligently, or by use of methods of treatment which are not in accordance with treatment processes accepted by a reasonable segment of the profession.

(9) The promotion of the sale of services and devices in a manner as to exploit the patient or client for the financial gain of the practitioner or a third party.

(10) Directly or indirectly offering, giving, soliciting or receiving, or agreeing to receive a fee or other consideration to or from a third party for the referral of a patient or client.

(11) Delegating professional services contrary to § 18.852 (relating to delegation).

(12) Over-utilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.

(13) Making gross or deliberate misrepresentations or misleading claims as to professional qualifications or of the efficacy or value of the treatments or remedies given or recommended or those of another practitioner.

(14) Overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(15) Failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient.

(16) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting which is considered fraudulent or misleading include:

(i) Advertising by means of testimonials, anecdotal reports of orthotics, prosthetics or pedorthics practice successes, or claims of superior quality of care to entice the public.

(ii) Advertising which contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements which play upon vanities or fears of the public, or statements which promote or produce unfair competition.

(c) Immoral conduct includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of the Commonwealth, the United States, another state, the District of Columbia, a territory of the United States or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.

## BIENNIAL RENEWAL AND REACTIVATION

### § 18.861. Biennial renewal of license.

(a) The license of a prosthetist, orthotist, pedorthist or orthotic fitter will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A prosthetist, orthotist, pedorthist or orthotic fitter may not practice after December 31 of an even-numbered year unless the prosthetist, orthotist, pedorthist or orthotic fitter has completed the biennial renewal process and the Board has issued a current license.

(b) As a condition of biennial registration, a prosthetist, orthotist, pedorthist or orthotic fitter shall:

(1) Submit a completed application, including payment of the biennial renewal fee in § 16.13 (relating to licensure, certification, examination and registration fees) for application for biennial renewal of prosthetist, orthotist, pedorthist or orthotic fitter license.

(2) Disclose on the application a license to practice as a prosthetist, orthotist, pedorthist or orthotic fitter in another state, territory, possession or country.

(3) Disclose on the application disciplinary action pending before or taken by an appropriate health care licensing authority in another jurisdiction or the licensee's National credentialing body since the most recent application for biennial renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere, probation without verdict, disposition instead of trial or accelerated rehabilitative disposition in any criminal matter since the most recent application for biennial renewal.

(5) Verify on the application that the licensed prosthetist, orthotist, pedorthist or orthotic fitter has completed the continuing education mandated by section 13.5(g)(1) of the act (63 P. S. § 422.13e(g)(1)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 18.862 (relating to continuing education).

(6) Verify on the application that the licensee maintains professional liability insurance coverage in accordance with section 13.5(i) of the act and § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

### § 18.862. Continuing education.

(a) *Credit hour requirements.* A licensed prosthetist, orthotist, pedorthist or orthotic fitter shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial renewal, a prosthetist shall complete at least 24 hours of ABC-approved or BOC-approved continuing education applicable to the practice of prosthetics and an orthotist shall complete at least 24 hours of continuing education applicable to the practice of orthotics.

(2) As a condition for biennial renewal, a pedorthist shall complete at least 13 hours of continuing education applicable to the practice of pedorthics and an orthotic fitter shall complete at least 13 hours of continuing education applicable to the practice of orthotic fitting.

(3) Credit for continuing education will not be given for courses in office management or practice building.

(4) A licensee is not required to complete continuing education during the biennium in which the licensee was



first licensed if licensure occurred within 3 years of completion of the approved educational program.

(5) Except when reactivating an inactive license, when the Board has granted a waiver, or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. An hour of continuing education may not be used to satisfy the requirements of paragraph (1) or (2) for more than one biennium.

(6) A licensee may request a waiver of the continuing education credit hour requirements because of serious illness, emergency, military service or other demonstrated hardship by submitting a request for waiver with supporting documentation to the Board at least 90 days prior to the end of the biennial renewal period for which the waiver is sought. The Board may grant the waiver request in whole or in part and may extend the deadline by which the credit hour requirements must be met.

(b) *Disciplinary action.* A licensee may be subject to disciplinary action if the licensee submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial renewal or fails to complete the continuing education hour requirements and practices as a prosthetist, orthotist, pedorthist or orthotic fitter after the end of the biennial period.

(c) *Documentation of continuing education.* A licensee shall maintain documentation of completion of continuing education by maintaining the certificate of attendance or completion issued by the course provider. A licensee shall maintain the certificates for at least 5 years after the end of the biennial renewal period in which the continuing education was completed. A certificate must include the name of the course provider, the name and date of the course, the name of the licensee, the number of credit hours based on a 50-minute hour and the category of continuing education, if applicable.

**§ 18.863. Inactive and expired status of licenses; reactivation of inactive or expired license.**

(a) A prosthetist, orthotist, pedorthist or orthotic fitter license will become inactive if the licensee requests in writing that the Board place the license on inactive status. The Board will provide written confirmation of inactive status to the licensee at the licensee's last known address on file with the Board.

(b) A prosthetist, orthotist, pedorthist or orthotic fitter license will be classified as expired if the licensee fails to renew the license by the expiration of the biennial renewal period on December 31 of each even-numbered year. The Board will provide written notice to a licensee who fails to make biennial renewal by sending a notice to the licensee's last known address on file with the Board.

(c) A prosthetist, orthotist, pedorthist or orthotic fitter whose license has become inactive or expired may not practice in this Commonwealth until the license has been reactivated.

(d) To reactivate an inactive or expired license, the licensee shall apply on forms made available by the Board and fully answer the questions. The licensee shall:

(1) Include the documentation required under § 18.862(c) (relating to continuing education) for the immediately preceding biennium. Unless waived by the Board under section 13.5(g)(7) of the act (63 P.S. § 422.13e(g)(7)), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current biennial renewal fee and the reactivation fee in § 16.13 (relating to licensure, certification, examination and registration fees).

(3) Verify that the licensee did not practice as a prosthetist, orthotist, pedorthist or orthotic fitter in this Commonwealth while the license was inactive or expired except as provided in subsection (e).

(e) A licensee who has practiced with an inactive or expired license and who cannot make the verification required under subsection (d)(3) shall also pay the fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), as described in this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a prosthetist, orthotist, pedorthist or orthotic fitter without a currently renewed license.

(1) A licensee whose license was active at the end of the immediately preceding biennial renewal period and who practiced after the license became inactive or expired shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive or expired since before the beginning of the current biennium shall pay the biennial renewal fee for each biennial renewal period during which the licensee practiced and shall pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a prosthetist, orthotist, pedorthist or orthotic fitter in this Commonwealth after the license became inactive or expired until the date the reactivation application is filed.

(f) A licensee whose license has been inactive for more than 2 years and who has not been engaged in practice in another jurisdiction shall demonstrate continued competence by passing the certification examinations offered by either the ABC or the BOC. For prosthetists or orthotists, the applicable examinations are the ABC or BOC examinations required for initial certification. For pedorthists or orthotic fitters, the applicable examinations are the ABC or BOC pedorthist or orthotic fitter examination required for initial certification.

**§ 18.864. Professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter.**

(a) A licensed prosthetist, orthotist, pedorthist or orthotic fitter shall maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made as required under section 13.5(i) of the act (63 P.S. § 422.13e(i)) and provide proof of coverage upon request.

(b) Proof of professional liability insurance coverage includes:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A licensee who does not have professional liability insurance coverage as required under section 13.5(i) of the act may not practice as a prosthetist, orthotist, pedorthist or orthotic fitter in this Commonwealth.

[Pa.B. Doc. No. 14-1429. Filed for public inspection July 11, 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 July 1, 2014.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-26-2014	S&T Bank Indiana Indiana County	3501 Embassy Parkway Akron Summit County	Approved
6-4-2014	Somerset Trust Company Somerset Somerset County	2100 Summit Ridge Plaza Mt. Pleasant Westmoreland County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-26-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 141 East Swedesford Road Exton Chester County  <i>From:</i> 111 West Lincoln Highway Exton Chester County	Approved

### CREDIT UNIONS

#### Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
7-1-2014	Greensburg Teachers Credit Union Greensburg Westmoreland County	<i>To:</i> 270 Arbor Hill Road Greensburg Westmoreland County  <i>From:</i> 508 Cochran Drive Greensburg Westmoreland County	Effective

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 14-1430. Filed for public inspection July 11, 2014, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, July 23, 2014, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 787-9293. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lauren Adair at (717) 787-9293 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

ELLEN FERRETTI,  
*Secretary*

[Pa.B. Doc. No. 14-1431. Filed for public inspection July 11, 2014, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Application of Justin M. Udzella for Reinstatement of Teaching Certificates; Doc. No. RE 14-01

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Justin M. Udzella for reinstatement of his teaching certificates.

On or about January 30, 2014, Justin M. Udzella filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Under section 16 of the act, the Department of Education on May 9, 2014, did not oppose the application.

Interested parties who wish to participate in these procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market

Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 14-1432. Filed for public inspection July 11, 2014, 9:00 a.m.]

## Availability of the 21st Century Community Learning Centers 2014—2017 Request for Applications and Guidance and 21st Century Community Learning Center Cohort 7 Grant Paper Application and Instructions

The Department of Education (Department) announces the availability of the 21st Century Community Learning Centers (21st CCLC) 2014—2017 Request for Applications (RFA) and the 21st CCLC Cohort 7 (Cohort 7) Grant Paper Application and Instructions for 2014—2017. The Cohort 7 application for the 21st CCLC grant will be created, submitted, collected and completed by means of a paper application process.

The purpose of the program is to establish or expand community learning centers that provide students who attend high-poverty and low-performing schools with academic enrichment opportunities by expanding learning opportunities during nonschool hours along with activities designed to complement the students' regular academic program. Community learning centers must also offer families of these students literacy and related educational development. Centers, which can be located in elementary or secondary schools or other similarly accessible facilities, provide a range of high-quality services to support student learning and development, including tutoring and mentoring, homework help, academic enrichment (such as hands-on science or technology programs) and community service opportunities, as well as music, arts, sports and cultural activities. At the same time, centers help working parents by providing a safe environment for students during nonschool hours or periods when school is not in session.

### Application Process

The 21st CCLC Grant RFA and Guidance for Fiscal Years (FY) 2014—2017 and the Cohort 7 Grant Paper Application and Instructions for 2014—2017 and all attachments for new grants will be available online beginning July 14, 2014, on the Department's 21st CCLC web site at [http://www.portal.state.pa.us/portal/server.pt/community/21st\\_century\\_community\\_learning\\_centers/7414](http://www.portal.state.pa.us/portal/server.pt/community/21st_century_community_learning_centers/7414).

Applicants are required to complete each section of the 21st CCLC paper application explained in the Cohort 7 Grant Paper Application and Instructions for 2014—2017 document and submit the completed application to Maribel Martinez at the Department's Division of Student Services at the address listed as follows by 4 p.m. on August 14, 2014. All sections must be completed to submit the application. No sections of the paper application are optional. Faxed and e-mailed copies will not be accepted. Originals, paper copies and attachments received after the deadline will not be reviewed. Failure to

submit the required copies of the signatory documents by the deadline will result in the disqualification of the grant application and denial to proceed to the peer review.

#### *Prior to Grant Award*

All potential applicants must complete the following steps:

1. Notify the Department by means of e-mail of the applicant's intent to submit an application. Include the legal name of entity and either the AUN (school districts/charter schools/intermediate units) or EIN (all other organizations) and vendor number for the lead organization. Specify in the letter of intent to apply the target population to be served including grade levels, proposed site locations, district and school names, community based organization partners, and the like. E-mail the letter of intent to Susan D'Annunzio at [sdannunzio@pa.gov](mailto:sdannunzio@pa.gov). The due date is Monday, July 28, 2014. Note this is due prior to the paper application submission deadline. No extensions will be granted.

2. If the agency is not a school district, charter school or intermediate unit, the agency will need to register for a vendor number. Nonprocurement entities can apply for a brand new vendor number at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). Applicants must have a vendor number to do business with the Commonwealth so that the applicants can be paid by the Commonwealth, if their application is selected for funding. Once applicants have a vendor number, applicants will provide the vendor number on the Title Page form and grant agreement document.

3. Consult with eligible nonpublic entities located within the attendance area of local education agencies regarding participation in the proposed 21st CCLC program. Complete the Certification of Nonpublic Involvement Form located in Appendix A of the 21st CCLC Grant RFA and Guidance for FYs 2014—2017.

4. Register for and attend one preproposal workshop.

#### *Submission*

Paper applications with attachments for 21st CCLC funding must be submitted by mail. E-mail, facsimile or any method other than the approved mailed paper submission will not be accepted. Applications submitted by means of overnight mail must be received at the Department's Division of Student Services no later than 4 p.m. on Thursday, August 14, 2014. Print a paper copy of the completed paper application with all attachments for the applicant's own records before it has been submitted.

Forward original signature documents signed in blue ink to the Department no later than 4 p.m. on August 14, 2014, to the attention of Maribel Martinez, Fiscal Technician, Department of Education, Division of Student Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333.

*Note:* Failure to submit the required copies of the signatory documents by the deadline will result in the disqualification of the grant application and denial to proceed to the peer review. A list of required signature documents is provided in the Cohort 7 Grant Application and Instructions.

Eligible entities may apply for funding on behalf of one or more public schools within the applicant district through a single paper application process. Each district is limited to one application per district.

#### *Pregrant Workshops/Webinar*

To assist eligible applicant entities in completing the paper application, the Department will host a 1-day 21st

CCLC pregrant workshop at the regional Pennsylvania Training and Technical Assistance Network (PaTTAN) offices in Harrisburg, King of Prussia and Pittsburgh on Friday, July 18, 2014, from 10 a.m. to 12:30 p.m. The presentation in Harrisburg will be a live presentation that will be live streamed to the other two PaTTAN locations.

Participation in a pregrant workshop is required for all eligible community-based organizations, school districts or charter schools, intermediate units, faith-based organizations and Nationally affiliated service organizations planning to submit an application for the 21st CCLC competitive funds for 2014—2017.

To register, e-mail Miriam Febles at [mfebles@pa.gov](mailto:mfebles@pa.gov). No phone calls. Include the location where the applicant will attend, the applicant's name, e-mail address, telephone number and the name of the organization that is planning to apply. Be aware that an access code will be required for entry at the Pittsburgh PaTTAN location.

#### *Funding Availability*

The Department will have approximately \$21 million available for Cohort 7 grants. Eligible applicants may select one of two paths for award consideration.

*Path A:* Applicants may select to provide only out-of-school time programming (that is, before school, afterschool, holidays, weekends and summer school services) focused on improving prekindergarten through grade 12 performance measures of school attendance, classroom performance or reduced disciplinary referrals, or both, and meeting State and local academic achievement standards in reading, math and science. In keeping with the 21st CCLC nonregulatory guidance that larger, more comprehensive grants are more likely to have a measurable impact on student achievement, applicants proposing services for traditional afterschool programming during the regular after school hours, weekends, evenings and summer may request funds ranging from a minimum of \$50,000 to a maximum of \$400,000. Programs that propose to provide both school year and summer programming are more powerful for results and data; therefore, no funds will be available for summer-only applicants in this grant round.

*Path B:* Applicants may select to provide both expanded learning time during the school day with a focus on meeting State and local academic achievement standards in reading and math and on out-of-school time programming in prekindergarten through grade 12 (that is, before school, afterschool and summer school services) focused on improving performance measures of school attendance, classroom performance or reduced disciplinary referrals, or both, and meeting State and local academic achievement standards in reading, math and science. Quality applicants proposing to implement both expanded learning time and out-of-school programming will be eligible to receive funding amounts of up to \$500,000 per year.

For an applicant to apply to use 21st CCLC funds for expanded learning time, the applicant must describe how it will extend its normal school day, week, month or year to meet the Elementary Secondary Education Act Flexibility Expanded Learning Time Optional Waiver requirements. All provisions of the 21st CCLC program remain unchanged. For example, services proposed must be supplemental; they cannot supplant existing services or

those services that are already paid by Federal, State and/or local funds. The allowable activities under Expanded Learning Time do not change, only the time during which the allowable activities may be offered changes.

*Period of Availability*

The grant period will range from October 1, 2014, to September 30, 2017.

*Eligible Applicants*

Federal law mandates, per section 4203(a)(3) of Pub.L. No. 107-110 (20 U.S.C.A. § 7173(a)(3)), that any public or private organization may apply for 21st CCLC funding if it proposes to serve:

1. Students who primarily attend:
  - a. schools eligible for schoolwide programs under (Title I) Section 1114; or
  - b. schools that serve a high percentage of students (at least 40%) from low-income families; and
2. The families of those students previously described.

Preference will be given to qualified applicants designated as “priority or focus” schools with school performance profile scores in the lowest 5 to 10% of Title I schools will receive the highest funding priority consider-

ation for 21st CCLC funds. All applicants must meet this Pennsylvania priority to receive highest funding priority consideration. Additional Pennsylvania funding priorities can be found in the 21st CCLC Grant RFA and Guidance for FYs 2014—2017.

*Application Information*

Detailed information outlining grant terms and conditions, program eligibility, pertinent regulations including expenditure guidelines, evaluation and program accountability requirements and additional resources are in the complete 21st CCLC Grant RFA and Guidance for FYs 2014—2017 and in the Cohort 7 Grant Paper Application and Instructions for 2014—2017 which can be accessed at [http://www.portal.state.pa.us/portal/server.pt/community/21st\\_century\\_community\\_learning\\_centers/7414](http://www.portal.state.pa.us/portal/server.pt/community/21st_century_community_learning_centers/7414) or e-mail the request to RA-21stCCLC@pa.gov.

For additional program information, contact the Department of Education, Susan D’Annunzio, 21st CCLC Program Supervisor, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333, (717) 346-3186, fax (717) 783-4392, [sdannunzio@pa.gov](mailto:sdannunzio@pa.gov).

CAROLYN C. DUMARESQ,  
*Acting Secretary*

[Pa.B. Doc. No. 14-1433. Filed for public inspection July 11, 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0052493 (Sewage)	Vintage Grille 168 Cheese Factory Road Doylestown, PA 18901-5009	Bucks County Plumstead Township	Unnamed Tributary of North Branch Neshaminy Creek (2-F)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0061395 (Industrial Waste)	Borough of Schuylkill Haven Tumbling Run Road Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	Tumbling Run (03A)	Y
PA0062421 (Industrial Waste)	Borough of Jim Thorpe WTP 700 W Broadway Jim Thorpe, PA 18229	Carbon County Borough of Jim Thorpe	Mauch Chunk Creek (02B)	Y
PA0063878 (Sewage)	Northeastern Schuylkill Joint Municipal Authority WWTP P. O. Box 170 Barnesville, PA 18214	Schuylkill County Rush Township	Pine Creek (03A)	Y

*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?
PA0008761 (IW)	Armstrong World Industries, Inc. 1507 River Road Marietta, PA 17547	Lancaster County East Donegal Township	UNT to Susquehanna River / 7-G	Y
PA0247464 (Sew)	East Hanover Township Municipal Authority 8848 Jonestown Road Grantville, PA 17028	Dauphin County East Hanover Township	Bow Creek / 7-D	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0114332 (IW)	Dresser Wellsboro Plant Groundwater Cleanup Dresser Road Wellsboro, PA 16901	Tioga County Delmar Township	Unnamed Tributary to Baldwin Run (9-A)	Y
PA0233641 (Sewage)	John & Kristen Gresh SFTF 198 Bennett Road Julian, PA 16844	Centre County Union Township	Unnamed Tributary to Brower Hollow Run (9-C)	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0112895 (Sewage)	Daniel L. Roeder Residence 205-B Independent Street Catawissa, PA 17820-8202	Columbia County Roaring Creek Township	UNT to Mill Creek (5-E)	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?
PA0103969 (sewage)	Varischetti & Sons 219 Park Route 219 Brockway, PA 15824	Jefferson County Washington Township	Unnamed Tributary of Wolf Run (17-C)	Y
PA0102610 (Sewage)	Villa Vista Estates 159 Terra Drive Valencia, PA 16059-2637	Butler County Middlesex Township	Unnamed Tributary to Glade Run (20-C)	Y

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

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA0253359**, SIC Code 4941, **Cambria Somerset Authority**, 110 Franklin Street Suite 200, Johnstown, PA 15901-1829. Facility Name: Cambria Somerset Authority. This existing facility is located in Quemahoning Township, **Somerset County**.

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

The receiving stream(s), Hinckston Run and Peggys Run, is located in State Water Plan watershed 18-D and 18-E 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 3.1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily 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	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The EPA Waiver is in effect.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**PA0013463**, Industrial Waste, SIC Code 3312, **U.S. Steel Corp**, One Ben Fairless Drive, Fairless Hills, PA 19030. Facility Name: US Steel Fairless Hills Facility. This existing facility is located in Falls Township, **Bucks County**.

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

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

The proposed effluent limits for Outfall 002 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
CBOD <sub>5</sub>						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Copper						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Lead						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Dry Weather)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are:

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

The proposed effluent limits for Outfall MP 103 are based on a design flow of 3.75 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.31	XXX	0.5
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	XXX	100
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
BOD <sub>5</sub>	Report	Report	XXX	25	40	50
BOD <sub>5</sub> Intake	Report	Report	XXX	Report	Report	XXX
CBOD <sub>20</sub>	750	XXX	XXX	XXX	XXX	XXX
BOD <sub>5</sub> % Removal (%)	88.5	XXX	XXX	XXX	XXX	XXX
Percent Removal	Min %					
Total Suspended Solids	482	1,107	XXX	30	Report	38.5
Total Dissolved Solids	XXX	XXX	XXX	1,100	2,200	2750
Oil and Grease	246	459	XXX	Report	Report	19.6
Ammonia-Nitrogen	Report	XXX	XXX	35	XXX	70
Total Aluminum	Report	Report	XXX	Report	Report	XXX
Total Chromium	4.79	6.22	XXX	Report	Report	0.37
Total Zinc	21.83	24.77	XXX	Report	Report	1.75
PCBs (Dry Weather)	XXX	XXX	XXX	XXX	Report	XXX



<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Acute Toxicity— Ceriodaphnia Survival (TU <sub>a</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity— Ceriodaphnia Survival (TU <sub>c</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TU <sub>c</sub> )	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 203 are based on a design flow of 0.163 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	XXX	Report
BOD <sub>5</sub>	34	XXX	XXX	25	XXX	50
BOD <sub>5</sub> Intake	XXX	XXX	XXX	Report	Report	XXX
CBOD <sub>20</sub>	67	XXX	XXX	XXX	XXX	XXX
BOD <sub>5</sub> % Removal (%)	88.5	XXX	XXX	XXX	XXX	XXX
Percent Removal	Min %					
Total Suspended Solids	41	XXX	XXX	30	XXX	60
Total Suspended Solids Inflow	Report	XXX	XXX	Report	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	Report
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	Report
Ammonia-Nitrogen	48	XXX	XXX	Geo Mean 35	XXX	70
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Dry Weather)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 303 are:

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

The proposed effluent limits for Outfall MP 403 are based on a design flow of 0.856 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Hexavalent Chromium	0.105	0.315	XXX	Report	Report	0.036
Total Chromium	Report	Report	XXX	0.1	0.3	0.3
Total Copper	Report	Report	XXX	0.1	0.3	0.3
Total Lead	1.37	4.11	XXX	Report	Report	0.48
Total Nickel	Report	Report	XXX	0.2	0.45	0.5
Total Zinc	1.43	4.30	XXX	Report	Report	0.50
Naphthalene	XXX	0.079	XXX	Report	Report	0.013
Tetrachloroethylene	XXX	0.118	XXX	XXX	Report	0.02

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

- Acquiring necessary property rights
- Proper disposal of collected screenings, sludge, and other solids
- TRC minimization
- Temperature limit for Zone 2.
- Approved Test Methods
- WET Testing
- Use of chemical additives
- Cooling water intake structure (316 (b)) requirements
- Applicable requirements for Stormwater Outfalls
- PCB minimization plan

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

The EPA Waiver is not in effect.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

**PA0254819**, Sewage, SIC Code 9900, **AK Coal Resources Inc.**, 1134 Stoystown Road, Friedens, PA 15541. Facility Name: North Fork Mine STP. This proposed facility is located in Jenner Township, **Somerset County**.

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

The receiving stream, Hoffman Run, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.18
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	5.0	XXX	10.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The EPA Waiver is in effect.

**PA0254771**, SIC Code 4911, **Tenaska PA Partners LLC**, 14302 FNB Parkway, Omaha, NE 68154-5212. Facility Name: Tenaska Westmoreland Generating Station. This proposed facility is located in South Huntingdon Township, **Westmoreland County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated cooling tower blowdown, low volume wastewater and stormwater associated with industrial activity.

The receiving stream(s), Barren Run, Unnamed Tributary to Youghioghney River and Youghioghney River, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Temperature (°F)	XXX	XXX	XXX	XXX	110 Max	XXX
Total Dissolved Solids	Report	Report	XXX	2,000	4,000	XXX
Sulfate	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Zinc	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

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

- Outfalls 002—009 shall discharge solely uncontaminated stormwater. Sample analysis of these stormwater discharges shall be submitted on Module 13 to the Department in accordance with 40 CFR 122.26(c)(E) by December 31, 2015.
- This discharge shall not cause a change in the stream temperature of more than 2°F during any one hour.
- Chlorine may not be discharged from any single generating unit for more than two hours per day unless the discharger demonstrates to the permitting authority that discharges for more than two hours are required for macro invertebrate control. Simultaneous multi-unit chlorination application is not permitted.
- There shall be no net addition of the 126 priority pollutants to non-contact cooling water over intake values from chemicals added for cooling tower maintenance, except chromium and zinc.
- There shall be no discharge of polychlorinated biphenyl (PCB) compounds such as those commonly used for transformer fluid at any time.

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

The EPA Waiver is not in effect.

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

*Southwest Regional Office: Regional Clean Water Program Manager, 400 WATERFRONT DR, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 6381412 A-2**, Sewage, **PA American Water Co.**, 800 West Hershey Park Dr, Hershey, PA 17033.

This existing facility is located in Donegal Township, **Washington County**.

Description of Proposed Action/Activity: Installation of a wet weather storage tank designed to reduce the number of sewage overflows.

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

**WQM Permit No. WQG01251408**, Sewage, **Dennis A. Baumann**, 11756 Wilson Road, North East, PA 16428.

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

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

**WQM Permit No. WQG01101403**, Sewage, **Joseph Albright**, 126 Purvis Road, Butler, PA 16001.

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

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

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


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*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

**PAI136131**, MS4, **Union Township Washington County**, 3904 Finley-Elrama Road, Finleyville, PA 15332. 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 Union Township, **Washington County**.

The receiving streams are located in State Water Plan watershed and are classified for Trout Stocking, High Quality Waters—Trout Stocking and Warm Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is not in effect.

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


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


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

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514001	PPL Electric Utilities Two North 9th Street Allentown, Pa 18010	Monroe, Carbon	Coolbaugh Township, Kidder Township, Pocono Township, Tobyhanna Township	UNT to Scott Run (HQ-CWF, MF) UNT to Dry Sawmill Run (HQ-CWF, MF) Dry Sawmill Run (HQ-CWF, MF) UNT to Swiftwater Creek (EV) Swiftwater Creek (EV) Upper Tunkhannock Creek (HQ-CWF, MF) UNT to Upper Tunkhannock Creek (HQ-CWF, MF) UNT to Upper Tunkhannock Creek (HQ-CWF, MF) Kistler Run (HQ-CWF, MF) UNT to Kistler Run (HQ-CWF, MF) Tobyhanna Creek (HQ-CWF, MF) UNT to Tobyhanna Creek (HQ-CWF, MF) Wagners Run (HQ-CWF, MF) UNT to Tobyhanna Creek (HQ-CWF, MF) Deep Run (HQ-CWF, MF) UNT to Davey Run (HQ-CWF, MF) Davey Run (HQ-CWF, MF) UNT to Davey Run (HQ-CWF, MF) UNT to Twomile Run (HQ-CWF, MF) Twomile Run (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
				Stony Run (HQ-CWF, MF) UNT to Lehigh River (EV, MF) UNT to Tobyhanna Creek (HQ-CWF, MF) UNT to Tobyhanna Creek (HQ-CWF, MF) UNT to Tobyhanna Creek (HQ-CWF, MF) UNT to Tobyhanna Creek (HQ-CWF, MF) UNT to Shingle Mill Run (HQ-CWF, MF) Hickory Run (HQ-CWF, MF) UNT to Tunkhannock Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026414002	The Dime Bank 820 Church Street Honesdale, PA 18431	Wayne	Palmyra Township	Wallenpaupack Creek (HQ-WWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032114003	Donald L. Carter 313 South Front Street Wormleysburg, PA 17043-1306	Cumberland	Silver Spring Township	Trindle Spring Run (HQ-CWF)
PAI032114007	Shepherd's Crossing, LP 3909 Hartzdale Drive, Suite 901 Camp Hill, PA 17011	Cumberland	Hampden Township	Trindle Spring Run (HQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041814005	Cello Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	Clinton	Gallagher Township	UNT to Craig Run EV

*Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041914001	Dean Puderbaugh PO Box 43 Unityville PA 17774	Columbia	Pine Township	UNT to Little Fishing Creek EV, MF

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050209002R	Edgewater Properties, LP 3875 Old William Penn Highway Murrysville, PA 15668	Allegheny	Oakmont Borough	Allegheny River (WWF-N)

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050209004R	Quaker Valley Recreation Association, Inc. PO Box 74 Leetsdale, PA 15056	Allegheny	Bell Acres Borough	Little Sewickley Creek (HQ)
PAI056514006	Ligonier Township Municipal Authority One Municipal Park Place Ligonier, PA 15658	Westmoreland	Ligonier Township	Laughlintown Run (HQ-CWF)
PAI056514007	Harvest Associates, LP 772 Pine Valley Drive Pittsburgh, PA 15239	Westmoreland	Murrysville Municipality	UNT to Haymakers Run (HQ-CWF)
PAI056514008	Pittsburgh Custom Homes, LC 772 Pine Valley Drive Pittsburgh, PA 15239	Westmoreland	Murrysville Municipality	UNT to Haymakers Run (HQ-CWF)

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

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PAG-12            CAFOs

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#### CAFO Notices of Intent Received

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

**PAG123784**, CAFO, **Todd Chestnut**, 50 Eberly Road, Newville, PA 17241.

This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Size and Scope of Proposed Operation/Activity: A permit for an existing swine / beef / broiler operation with a total of 1063 AEUs.

The receiving stream, UNT Conodoguinet Creek, is in watershed 7-B, and classified for: WWF.

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

### 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>
Daniel & Dwight Forry 1015 Prospect Road Columbia, PA 17512	Lancaster	382	661.39	Swine / Heifer	NA	Renewal
M & E Farm 710 Pfoutz Valley Road Millerstown, PA 17062	Perry	1	805.48	Swine	NA	Renewal

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

<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>New or Renewal</i>
Hillcrest Saylor Dairy Farms	Somerset	1,967.5	1,345.97	Dairy	HQ	R

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

**Application No. 3914503**, Public Water Supply.

Applicant	<b>Upper Saucon Township</b> 5500 Camp Meeting Rd. Center Valley, Pa 18034
[Township or Borough]	Upper Saucon Township, <b>Lehigh County</b>
Responsible Official	Mr. Thomas F. Beil, Township Manager Upper Saucon Township 5500 Camp Meeting Rd. Center Valley, Pa 18034
Type of Facility	PWS
Consulting Engineer	Steven Henning, PE The Pidcock Company 2451 Parkwood Drive Allentown, Pa 18103
Application Received Date	6/16/2014
Description of Action	The applicant has proposed the addition of polyphosphate to prevent corrosion in the distribution system.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

**Permit No. 3414501**, Public Water Supply.

Applicant	<b>Republic Development Corporation</b>
Municipality	Milford Township
County	<b>Juniata</b>
Responsible Official	David M. Bomberger PO Box 36 Mexico, PA 17056
Type of Facility	Public Water Supply
Consulting Engineer	Stephen R. Morse, P.E. Skelly & Loy, Inc. 449 Eisenhower Boulevard Harrisburg, PA 17111
Application Received:	5/12/2014

Description of Action Addition of Well No. 5 to existing system.

**Permit No. 3614510**, Public Water Supply.

Applicant **RD's American Grill**

Municipality Drumore Township

County **Lancaster**

Responsible Official Richard D. Tipton, Owner  
1426 Lancaster Pike  
Quarryville, PA 17566

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates,  
Inc.  
18 South George Street  
York, PA 17401

Application Received: 6/11/2014

Description of Action Installation of an anion exchange nitrate treatment system.

**Permit No. 3614511 MA, Minor Amendmant**, Public Water Supply.

Applicant **Northwestern Lancaster County Authority**

Municipality Penn Township

County **Lancaster**

Responsible Official David Stewart PE, Chairman  
97 North Penryn Road  
Manheim, PA 17545

Type of Facility Public Water Supply

Consulting Engineer Mark L. Homan, P.E.  
Becker Engineering LLC  
111 Millersville Road  
Lancaster, PA 17603

Application Received: 6/18/2014

Description of Action Repainting and renovations to the 0.5 MG storage tank.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Application No. 1914501—Construction** Public Water Supply.

Applicant **United Water Pennsylvania**

[Township or Borough] Town of Bloomsburg

County **Columbia**

Responsible Official John D. Hollenbach  
VP & General Manager  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
Harrisburg, PA 17111

Type of Facility Public Water Supply

Consulting Engineer Michael A. Schober, P.E.  
CDM Smith, Inc.  
205 Granite Run Drive,  
Suite 350  
Lancaster, PA 17601

Application Received June 27, 2014

Description of Action Construction of a new membrane filtration plant to replace the existing plant. The new plant will have an initial design capacity of 4.0 mgd, expandable to a future capacity of 5.0 mgd. The existing steel clarifier will be repurposed to clarify process wastewater. The water treatment plant will be constructed in two phases; this application addresses Phase One—construction of the clarification process units.

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

**Permit No. 1014503**, Public Water Supply

Applicant **Pennsylvania American Water Co.**

Township or Borough City of Butler

County **Butler**

Responsible Official David R. Kaufman

Type of Facility Public Water Supply

Consulting Engineer Jerry Hankey, P.E.  
Pennsylvania American Water Co.  
1909 Oakland Avenue  
Indiana, PA 15701

Application Received Date June 20, 2014

Description of Action Update Saxonburg Booster Station by increasing station capacity from 1.47 mgd to 1.68 mgd.

#### MINOR AMENDMENT

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

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

**Application No. 363W13-MA2, Minor Amendment.**

Applicant **Saegertown Borough**

Township or Borough Saegertown Borough

Responsible Official Charles Lawrence

Type of Facility Public Water Supply

Consulting Engineer Mark J. Corey, P.E.  
Mark J. Corey & Associates  
P. O. Box 268  
Harborcreek, PA 16421

Application Received Date May 21, 2014

Description of Action Replace the existing Windvale Drive Reservoir roof with identical type of roof.



## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Earl Brown Jr. Trucking**, Colonel John Kelly Road, West Buffalo Township, **Union County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of their client Earl Brown Jr. Trucking, 150 Elbow Road, Linden, PA 17744 submitted a Notice of Intent to Remediate. A release of diesel fuel occurred to soils adjacent to the roadway. The site was and will remain a right-of-way along the roadway. The proposed cleanup standard for the site is Statewide Health. The Notice of Intent to Remediate was published in *The Daily Item* on May 14, 2014.

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

**Rochester and Pittsburgh (R&P) Coal 572 Acre #9**, intersection of Routes 217 and 286, Homer City, Center Township, **Indiana County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate (NIR) to meet a combination of residential Statewide Health and Site Specific Standards concerning site soils contaminated with aluminum, antimony, arsenic, barium, beryllium boron, cadmium chromium, cobalt, copper, iron lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc and chloride. The NIR indicated future use of the property is to remain a natural gas production well. This notice was published in the *Indiana Gazette* on June 3, 2014.

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#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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**Application(s) for Determination of Applicability 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/or the Beneficial Use of Residual Waste Other Than Coal Ash**

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

**General Permit Application No. WMGR028. Program I.D. WMGR028-NE006. Popple Construction, Inc.**, 215 E. Saylor Avenue, Laflin, PA 18702. A General Permit Determination of Applicability for the beneficial use of asphalt plant baghouse fines from the Valley Asphalt Plant located in Plains Township, **Luzerne County** as an aggregate in roadway construction, a soil additive, a soil conditioner and/or as a component or ingredient in the manufacturing of construction products. The application for determination of applicability was approved by the Regional Office on June 23, 2014.

Persons interested in reviewing the permit may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

#### PLAN APPROVALS

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

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00096C: Union Electric Steel Corp.** (P. O. Box 465, Carnegie, PA 15106) to install a new Scrap Reheat Furnace consisting of 12 burners rated at 1.25 MMBtu/hour each at the Harmon Creek Plant in Smith Township, **Washington County**. This is a major facility Plan Approval application submittal.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA16335-3481*

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

**61-198B: Handsome Lake Energy, LLC** (173 Cornplanter Lane, Kennerdell, PA 16374) for modifications to the facility Title V Operating Permit 61-00198 in Rockland Township, **Venango County**. The proposed modifications include the removal of the fuel throughput limit and the use of monthly NO<sub>x</sub> emission calculations to show compliance with facility emission limits.

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

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

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00011B: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for installation of a natural gas burner to be used for kiln startup only on Kiln 2 and Kiln 3 at their Whitehall Plant in Whitehall Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) intends to issue a Plan Approval to Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for installation of a natural gas burner to be used for kiln startup only on Kiln 2 and Kiln 3 at their Whitehall Plant in Whitehall Township, Lehigh County. The facility currently operates under Title V Operating Permit No. 39-00011. Plan approval 39-00011B will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 39-00011B is for installation of a natural gas burner to be used for kiln startup only of Kiln 2 and Kiln 3. The kilns shall be subject to and comply with 40 CFR Part 60 Subpart DDDD, 25 Pa. Code § 123.13(b) for control of Particulate Matter (PM) emissions, 25 Pa. Code § 123.21(b) for sulfur oxide (SO<sub>2</sub>) emissions, and 25 Pa. Code § 123.41 for visible emissions. These limits will meet BAT requirements for Kiln 3. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding para-

graph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00011B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**03-00246B:** to issue an Air Quality Plan Approval to Bedrock Mines LP (111 Freeport Road, Pittsburgh, PA 15215) to authorize modification of an existing coal blending yard at their Keystone East Mine Site located in Plumcreek Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval to Bedrock Mines LP (111 Freeport Road, Pittsburgh, PA 15215) to authorize modification of an existing coal blending yard at their Keystone East Mine Site located in Plumcreek Township, Armstrong County.

Proposed and previously installed sources at the facility include a Pit Conveyor, Radial Stackers, Coal Crushers, Single Deck Screen, Diesel Engines, Front-end Loaders, Truck Loadout, Stockpiles, and Roadways. Roadways will be controlled by paving and water sprays and fugitive emissions from the process will be controlled by water sprays and enclosures.

Upon authorization of this plan approval the facility potential to emit will not exceed 14.6 tons of PM<sub>10</sub>, 4.7 tons of NO<sub>x</sub>, 1.4 ton of NO<sub>x</sub>, 0.4 ton of CO, and 0.6 ton of VOC on an annual basis. The throughput restriction, monitoring, testing, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 40 CFR Part 60 Subpart Y, 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 60 Subpart IIII, and 25 Pa. Code Chapters 123 and 127.

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 may be made by calling 412-442-4000.

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

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the

proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A protest shall include the following:

The name, address and telephone number of the person filing the protest; Identification of the proposed plan approval issuance being opposed (Plan Approval 03-00246B); and, a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the plan approval or the issuance procedure, contact Mr. Parihar at 412-442-4030.

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

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

**24-167B: E Carbon America** (806 Theresia Street, Saint Marys, PA 15857) for the modification of the facility operating conditions associated with the operation of the control device established in plan approval 24-167A in Saint Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 24-167B is for the modification of operating permit conditions established in plan approval 24-167A for the baking kiln and the proposed installation of a new baghouse to replace two existing baghouses for the blending process. This project will not result in an emission increase. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Baking Kilns (Source 101)
- Within 180 days after plan approval issuance, a stack test on at least one recirculating furnace for VOC shall be performed. Within 1 year after plan approval issuance, a stack test on at least one box furnace for VOC shall be performed. Both tests shall be conducted in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. Both stack tests shall be performed while the aforementioned sources are operating at the maximum or normal rated capacity as stated in the application. Both stack tests shall be conducted while the bottom furnace temperature is between

500F and 650F with the flame grid off, while the bottom furnace temperature is between 650F and 1,250F with the flame grid operating, and while the bottom furnace temperature is between 1,250F and 1,450F with the flame grid off. Testing at each temperature range shall consist of three one hour tests for VOC.

- The flame grid temperature shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. Based on operational data from the furnaces, the flame grid temperature shall be maintained at or above 1050 degrees Fahrenheit whenever the bottom of the furnace is at 650 degrees Fahrenheit or higher. If a higher flame grid temperature is used during the required stack testing, that temperature will become the operational limit.
- The permittee shall turn on the flame grid control device prior to the furnace bottom temperature reaching 650F. The control device shall remain on until the furnace bottom temperature is greater than 1250F. Once the furnace bottom temperature is above 1250F, the flame grid can be turned off.
- All the conditions from the facility operating permit issued on October 4, 2011, remain in effect unless superseded in this plan approval.
- Special Impregnation Process (Source 102)
  - The permittee shall perform a daily operational inspection of the source which shall include, but not be limited to, verifying no fugitive emissions associated with the source.
  - All the conditions from the facility operating permit issued on October 4, 2011, remain in effect unless superseded in this plan approval.
- Blending Operation 1 and 2 (Sources 6889A & 6990)
  - The filterable particulate matter emission rate shall not exceed 0.02 gr/dscf.
  - Within 180 days after startup of the control, a stack test for FPM
  - The permittee shall record the following operational data from the baghouse during the required operational inspection (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
    - Pressure differential—daily defined as once per calendar day
  - The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
    - Pressure drop: 1.0 to 8.0 inches water gage or as established during compliant testing
  - All the conditions from the facility operating permit issued on October 4, 2011, remain in effect unless superseded in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also avail-

able for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [24-167B] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for state only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00132: Cephalon, Inc.** (145 Brandywine Parkway, West Chester, PA 19380) for a renewal of a State Only, Synthetic Minor Operating Permit in West Goshen Township, **Chester County**. Cephalon, Inc. operates a pharmaceutical research and development facility with six (6) natural gas-fired boilers, five (5) diesel-fired emergency electric generators, three (3) natural gas-fired emergency electric generators, and miscellaneous gas-fired heaters. The pollutant of concern from this facility is nitrogen oxides (NO<sub>x</sub>). Cephalon, Inc. shall continue to maintain a synthetic minor operating status by limiting its facility-wide nitrogen oxide (NO<sub>x</sub>) emissions to 24.9 tons per year, or less. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00158: Colorcon, Inc.** (415 Moyer Boulevard, West Point, PA 19486) in Upper Gwynedd Township, **Montgomery County** a renewal of State Only (Natural Minor)

Operating Permit No. 46-00158. The facility's main sources of air contaminant emissions are four boilers, two emergency generator sets, and various sources comprising a polyvinyl acetate phthalate ("PVAP") plant, a lake plant, and dry and wet dispersion production areas. Particulate matter ("PM") emissions from the sources comprising the PVAP plant, lake plant, and dry and wet dispersion areas are controlled by associated dust collectors or scrubbers. PM emissions from the facility are restricted to 21.0 tons/yr, calculated monthly as a 12-month rolling sum. Volatile organic compound ("VOC") emissions from the reaction vessels and various fugitive emission sources in the PVAP plant, the wet dispersion area, and the facility are restricted to 1.72 ton/yr, 1.04 ton/yr, 10.68 tons/yr, and 14.6 tons/yr, respectively, all calculated monthly as 12-month rolling sums. Nitrogen oxide ("NO<sub>x</sub>") emissions from the exempt engines of the emergency generator sets are restricted to 100 lbs/hr, 1,000 lbs/day, 2.75 tons/ozone season (i.e., the period from May 1—September 30 of each year), and 6.6 tons/yr, calculated monthly as a 12-month rolling sum.

Since the State Only Operating Permit ("SOOP") was last modified in 2013, Colorcon, Inc., has replaced one of its boilers and added an additional blender to the dry dispersion area. These sources will be included in the renewal SOOP, and subject to the same requirements specified in the previously-modified (i.e., current) SOOP. In addition, the engines of the emergency generator sets are subject to the provisions of 40 C.F.R. Part 60, Subpart III, and/or 40 C.F.R. Part 63, Subpart ZZZZ. All applicable requirements of these regulations will be included in the renewal SOOP.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00033: Lutron Electronics Co., Inc.** (7200 Sutter Road, Coopersburg, PA 18036) for manufacture of electrical lighting controls in Lower Macungie Township, **Lehigh County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of State-only Natural Minor operating permit.

**48-00077: East Penn Crematory—Hellertown** (1418 Main Street, Hellertown, PA 18055) to operate a human crematory facility located in Hellertown Borough, **Northampton County**. The primary sources consist of one (1) crematory incinerator. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**36-05148: Country Value Woodworks, LLC** (2302 Beaver Valley Pike, New Providence, PA 17560) for their wood furniture manufacturing facility in Providence Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility had in 2013 actual emissions of 1.3 tpy of SO<sub>x</sub>, 24.0 tpy of VOCs and 6.5 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface coating processes and 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

**06-05076: Quadrant EPP, Inc.** (2120 Fairmont Avenue, P. O. Box 14235, Reading, PA 19612) for their specialty plastics production plant in the City of Reading, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 4 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart IIII and from 25 Pa. Code § 129.63

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours

at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

**38-05023: Pennsy Supply, Inc.** (1 Clear Spring Road, Annville, PA 17003) for operation of their Prescott Asphalt Plant in South Lebanon Township, **Lebanon County**. This is a renewal of their State-only Operating Permit issued in 2009.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the potential to emit 11.5 tpy of PM<sub>10</sub>, 65.0 tpy CO, 27.5 tpy NO<sub>x</sub>, 29.0 tpy SO<sub>x</sub>, 16.0 tpy VOC, and 5.0 tpy of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities & 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

**36-03187: Allied Veterinary Cremation, Ltd.** (1966 Mastersonville Road, Manheim, PA 17545) for their four (4) cremation units at their facility in Rapho Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

Each of the subject facility's cremation units will be controlled respectively by an internal secondary combustion chamber. The units are subject to and shall comply with 25 Pa. Code § 123.21 for sulfur emission limits. The facility's actual emissions are expected to be around 5.64 tpy of PM, 8.07 tpy of CO, 1.44 tpy of NO<sub>x</sub> and 0.77 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests or requests for a public hearing.

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

**06-03047: Metropolitan Steel Industries, Inc.** (601 Fritztown Road, Sinking Spring, PA 19608) for their structural steel manufacturing facility in Spring Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has potential emissions of 9.1 tpy of PM, 29.7 tpy of VOCs, 9.2 tpy of Xylene and 11.6 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface coating processes and 40 CFR Part 63 Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

**06-03012: Brenntag Northeast, Inc.** (81 West Huller Lane, Reading, PA 19605) for their chemical distribution facility in Ontelaunee Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

In 2013 the subject facility had actual emissions of 2.11 tons of VOC and 0.68 ton of HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

**01-05040: Texas Eastern Transmission, LP, Heidlersburg Compressor Station** (PO Box 1642, Houston, TX 77251-1642) for an engine in Tyrone Township, **Adams County**. This is a renewal of their State-Only Operating Permit No. 01-03034 issued in August 2009.

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

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

The facility's potential VOC emission is restricted to 50 tpy and the corresponding NO<sub>x</sub> and HAPs emissions are less than 2 tpy and 5 tpy respectively. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The auxiliary generator is subject to the federal 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-03195: Mount Joy Wire Corporation** (1000 East Main Street, Mount Joy, PA 17552) for their wire plating operations in Mount Joy Borough, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has annual emissions of approximately 11.2 tons of NO<sub>x</sub>, 2.5 tons of PM<sub>10</sub>, 9.5 tons of CO, and 2.3 tons of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart JJJJ and 40 CFR Part 63, Subpart ZZZZ.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a

concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

**67-05111: Johnson Controls, Inc.** (1499 East Philadelphia Street, York, PA 17403) for its commercial and industrial air handling unit manufacturing facility (East York Plant) in Spring Garden Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following estimated actual emissions in 2013: 25.7 tons VOC; 1.0 ton NO<sub>x</sub>; 0.7 ton CO; 0.1 ton PM<sub>10</sub>; 0.6 ton MIBK; 0.6 ton aggregate HAPs; 961.4 tons CO<sub>2</sub>; and 961.4 tons CO<sub>2e</sub>. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*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 PM<sub>10</sub>, 45.66 ton per year of NO<sub>x</sub> 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.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00287: Minteq International, Inc.** (395 Grove City Road, Slippery Rock, PA 16057) for renewal of a Synthetic Minor Permit to operate manufacturing equipment for non-clay refractories. The facility is located in Slippery Rock Township, **Butler County**. The updated emitting sources are, 1) Line Mixers 1 to 4, 2) Batching mixer, 3) Nine Dryers, 4) Three Kilns, 5) Mold Shop, 6) Line Mixer



#5, 7) Line Mixer 7 (Fleming) and, 8) Patch Mixer. The facility has previously taken a restriction on VOC emissions from the facility as part of the RACT Operating Permit. The VOC emissions shall not exceed 49 tons per year. Thus, the facility is a Synthetic Minor. The potential emissions from the facility as stated in the renewal permit application are NO<sub>x</sub>: 1.0 Ton per year, PM: 19.0 TPY, PM-10: 19.0 TPY, PM<sub>2.5</sub>: 19 TPY, SO<sub>2</sub>: 0.3 TPY, VOC: 41.2 TPY, and, CO: 39.3 TPY.

**25-00883: Millcreek Township—Erie County** (3608 West 26th Street, Erie, PA 16506-2059) to issue a Natural Minor Operating Permit renewal to operate a hot mix asphalt plant in Millcreek Township, **Erie County**. The facility's primary emission source is a hot mix asphalt process. The facility also has parts washers. The permit contains the requirements of 40 CFR 60 Subpart I and plan approval 25-883A. The particulate emissions from the source are limited to 0.02 gr/dscf and are controlled by a baghouse. The throughput for the plant is limited to 120 TPH and 294,000 TPY during any 12 consecutive months. The combustion emissions from the natural gas fired burner are less than 10 TPY for each of the criteria pollutants.

**43-00037: Development of Sharpsville Furnace LTD** (2 North 6th Street, Sharpsville, PA 16150-0257) to issue a renewal of the State Only Operating Permit for the non-metallic mineral processing operations located in Sharpsville Borough, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility include a crusher rated at 130 HP, screening and conveying equipment rated at 75 TPY, and fugitive emissions from plant roadways. The equipment uses pole power. The renewal application provided estimates of the potential particulate emissions from the facility crushing, screening, and loading of 19.66 TPY (PM). The PM-10 emissions were identified as 9.44 TPY. The potential emissions are based on 8,760 hours of operation. The actual estimated emissions provided in the application were 4.67 TPY (PM) and 2.24 TPY (PM-10). Emissions from vehicular traffic at the site based on actual emissions are 17.48 and 3.5 TPY, respectively for PM and PM-10 emissions.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**N14-009: Aramark Tower** (1101 Market St., Philadelphia, PA 19107), for the operation of an office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 9.959 MMBtu/Hr Boilers, one (1) 1.6 MMBtu/Hr Boiler, and one (1) 200 kw Emergency Generator.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543, Contact: Edward Wiener, Acting Chief, Source Registration at 215 685 9426.

The City of Philadelphia, Air Management Services (AMS) intends to issue a Minor State Only Operating Permit for the following facility:

**S14-008: Federal Detention Center.** (700 Arch Street, Philadelphia, PA 19105) for the operation of a federal prison in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 9.5 MMBTU/hr boilers, one (1) 1,250 kW Emergency Generator, and one (1) Induced Flow Cooling Tower.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or

objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

#### *Coal Applications Received*

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

**65131301 and NPDES No. PA0236241. LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). To operate the Rustic Ridge #1 Mine in Donegal Township and Donegal Borough, **Westmoreland County** and Saltlick Township, **Fayette County** to operate a new underground mine and related NPDES permit. Surface Acres Proposed 67.7, Underground Acres Proposed 2,886.5, Subsidence Control Plan Acres Proposed 2,780.6. Receiving stream: Champion Creek, classified for the following use: CWF. The application was considered administratively complete on June 20, 2014. Application received April 7, 2014.

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

**Permit No. 32130108 and NPDES No. PA0269433. Amerikohl Mining Inc.**, 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface and auger mine in Black Lick, Center & Young Townships, **Indiana County** affecting 163.2 acres. Receiving streams: unnamed tributaries to/and Aultmans Run (TSF) to Conemaugh River (WWF), unnamed tributaries to/and Reeds Run (TSF) to Aultmans Run to Conemaugh River classified for the following uses: trout stocked fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 21, 2014.

The application includes stream and wetland encroachments to utilize an existing stream crossing for access to the site and conduct mining within 100 feet of the stream for coal removal and the installation of erosion and sedimentation controls. Additionally 0.38 acre of wetlands will be impacted by mining within the barrier area of an unnamed tributary to Aultmans Run.

The application also includes a request for a Section 401 Water Quality Certification.

**Permit No. 56080109 and NPDES No. PA0262706. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from Woodland to Cropland / land occasionally cut for hay 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 2, 2014.

**Permit No. 56140102 and NPDES No. PA0269425. Berwind Coal Sales Co.**, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County** affecting 141.1 acres. Receiving streams: unnamed tributary to Oven Run to the Stonycreek River classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville intake on Stonycreek River. Application received: June 6, 2014.

**Permit No. 3366BSM84 and NPDES No. PA0248797. Penn Coal Land, Inc.**, P. O. Box 68, Boswell, PA 15531, transfer of an existing bituminous surface mine from Penn Pocahontas Coal Company, P. O. Box 38176, Pittsburgh, PA 15238 in Brothersvalley Township, **Somerset County** affecting 28.83 acres. Receiving streams: Buffalo Creek & Tubs Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2014.

**Permit No. 4075SM12 and NPDES No. PA0248860. Penn Coal Land, Inc.**, P. O. Box 68, Boswell, PA 15531, transfer of an existing bituminous surface mine from Penn Pocahontas Coal Company, P. O. Box 38176, Pittsburgh, PA 15238 in Summit Township, **Somerset County** affecting 184 acres. Receiving stream: unnamed tributary to Casselman River classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2014.

**Permit No. 32110102 and NPDES No. PA0263214. Britt Energies Inc.**, P. O. Box 515, Indiana, PA 15701, transfer of an existing bituminous surface mine from Rosebud Mining Co., 301 Market St., Kittanning, PA 16201 in Burrell Township, **Indiana County**, affecting 33.8 acres. Receiving stream: unnamed tributaries to Toms Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2014.

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

**03980108 and NPDES Permit No. PA0202371. Stitt Coal Company** (811 Garretts Run Road, Ford City, PA 16226). Renewal application for continued operation and restoration to an existing bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 83 acres. Receiving streams: unnamed tributaries to Garretts Run and Garretts Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 19, 2014.

**03803044 and NPDES Permit No. PA0126375. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Revision application to add mining and augering of the Lower Freeport coal seam and road variance to Adrian Road to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: West Penn Water Company. Revision application received: June 24, 2014.

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

**24030102 and NPDES Permit No. PA0242322. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650) Renewal of an existing bituminous surface mine and associated NPDES permit in Fox Township, **Elk County** affecting 172.5 acres. Receiving streams: Unnamed tributaries to Mill Run. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 23, 2014.

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

**17940101 and NPDES PA0219746. Forcey Coal, Inc.** (475 Banion Road, Madera, PA 16661). Permit renewal of an existing bituminous surface mine located in Beccaria Township, **Clearfield County** affecting 53.0 acres. Receiving streams: Unnamed Tributary to Muddy Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2014.

**14040101 and NPDES PA0243833. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847). Permit renewal of an existing bituminous surface and auger mine located in Rush Township, **Centre County** affecting 547.3 acres. Receiving streams: Moshannon Creek and Unnamed Tributary to Trout Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 19, 2014.

**17130106 and NPDES PA0269620. Horton Coal Company, LLC** (446 Wm Cemetery Road, Curwensville, PA 16833). Commencement, operation, and restoration of a bituminous surface and noncoal (topsoil, shale and/or sandstone) mine located in Bloom Township, **Clearfield**

**County** affecting 16.0 acres. Receiving stream: Unnamed Tributary to Anderson Creek classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 12, 2014.

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

**Permit No. 19930101R4 and NPDES Permit No. PA0225487. Burnrite Coal Company,** (231 Thomas Road, Elysburg, PA 17824), renewal of an existing anthracite surface mine and coal refuse disposal operation and adding an NPDES Permit for discharge of treated mine drainage in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland County** affecting 556.1 acres, receiving streams: South Branch Roaring Creek and Natalie Mine Pool to Quaker Run, classified for the following use: HQ—cold water fishes. Applications received: June 10, 2014.

**Permit No. 40940203T and NPDES Permit No. PA0224731. Newport Aggregates, Inc.,** (76 Main Road, Glen Lyon, PA 18617), transfer from Hudson Anthracite, Inc. of an existing anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation and NPDES Permit for discharge of treated mine drainage in Jenkins Township, **Luzerne County** affecting 174.1 acres, receiving stream: Susquehanna River, classified for the following use: cold water fishes. Application received: June 10, 2014.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**58090812. 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 5.0 acres on property owned by Adam M. Diaz. Application received: June 12, 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*		greater than 6.0; less than 9.0	
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. PA0607550 (Mining Permit No. 11830102), M. B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717, renewal of an NPDES permit for bituminous surface mine in Lower Yoder Township, **Cambria County**, affecting 104.3 acres. Receiving stream: unnamed tributary to St. Clair Run classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: May 5, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall listed below discharge to unnamed tributary to St. Clair Run:

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

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 001 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)	1.7	3.4	4.2
Aluminum (mg/l)	1.2	2.4	3.0
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

**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*

**E09-980. Doylestown Township**, 425 Wells Road, Doylestown, PA 18901, Warrington Township, **Bucks County**, ACOE Philadelphia District.

To rehabilitate approximately 1,250 linear feet of stream channel along an existing UNT to Little Neshaminy Creek (WWF). Also, to replace and maintain 160 linear feet of existing 48 inch RCP pipe and to replace and maintain 142 linear feet of existing 60 inch RCP pipe. The site is located between Blackhorse Drive and Palomino Drive crossings in Warrington Township, Bucks County. (Ambler, PA USGS Latitude 40.2392; Longitude -75.132).

**E23-505 -Pennsylvania Department of Transport, District 6**; 7000 Geerdes Blvd, Bethel, Upper Chichester, Thornberry and Concord Townships in **Delaware County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with a planned improvement project creating an Operations Staging Area (OSA—Relocated Maintenance Facility) as part of the larger US Route 322 Improvement Project (State Route [SR] 0322, Sections 101, 102 and OSA/MIT) to address deficiencies of the existing U.S. Route 322 (U.S. 322) roadway in Concord, Bethel and Upper Chichester Townships, Delaware County. The Section MIT includes both the OSA site and an off-corridor Wetland Mitigation Site (WMS):

1. To construct and maintain a 48 feet by 11 feet precast concrete Arch structure stream crossing on an

unnamed tributary to Webb Creek (TSF-WWF) to facilitate the realignment of Station Road North /SR 2035.

2. To impact five separate wetlands areas on the OSA site totaling approximately 0.21-acre of temporary impact and 0.22-acre of permanent impact.

3. To impact approximately 23.1 linear feet of watercourse (UNT Webb Creek) associated with the construction of a stormwater basin outfall structure and impacting approximately 318.7 linear feet of ephemeral channel.

4. To provide for stream impact mitigation through a cooperative effort with the Pennsylvania Fish and Boat Commission.

5. To provide for, construct and maintain approximately 2.33 acres of Wetland for mitigation at the Patterson Tract site located along the East Branch of Chester Creek in Thornbury Township. The created wetlands will consist of 1.53 acre of palustrine emergent, 0.4 scrub shrub, and 0.4 forested habitat.

The WMS site is located at the intersection of Tanguy Road (SR 4012) and Creek Road (SR 4011) in Thornberry Township. The OSA site is located at the intersection of State Route SR 0322 and Station Road/SR 2035 on the north side of SR 0322 in Concord Township, Delaware County. (Meridian at the center of the proposed Precast Concrete Arch structure -Latitude 39° 52' 49.7"; Longitude 75° 30' 53.7").

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E35-454. Pennsylvania Department of Transportation**, 55 Keystone Industrial Park, Dunmore, PA 18512, in City of Scranton, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a channel change along 671 feet of Roaring Brook (CWF-MF) with work consisting of grout bag placement along an existing undermined concrete retaining wall, lining the channel with a minimum depth of 3-foot of R-7 riprap, the placement of two cross vanes and one J-hook, and removal of an old masonry foundation. Portions of the project were previously authorized under EP3512407 which permitted approximately 230 feet of emergency grout bag placement to stabilize the existing retaining wall. The project is located along the Cedar Ave Ramp (SR 8025) off of the Central City Expressway (SR 0011) (Scranton, PA Quadrangle, Latitude: 41°24'14"; Longitude: -75°39'34").

**E35-453. Gibbons Ford**, 950 Main Street, Dickson City, PA 18519, in Dickson City Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain fill in 0.33 acre of PEM wetlands associated with the expansion of a new auto sales and service facility. The project is located adjacent to the Ethan Allen Furniture Store along Viewmont Drive, 0.7 mi. northwest of its intersection with Main Street in Dickson City Borough, Lackawanna County (Scranton, PA Quadrangle, Latitude: 41°27'24.9"; Longitude: -75°38'49.1").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E22-603, PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA

17103, in Middletown Borough and Londonderry Township, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District

The applicant proposes to: 1) remove the existing structure and to construct and maintain a three-span steel girder bridge skewed 90°, having a clear span of 294' 9" (three spans of 98' 3"), an out-to-out width of 44' 4.25", and a minimum underclearance of 4' 4.5" across Swatara Creek (WWF, MF), (Latitude: 40° 12' 00", Longitude: -76° 42' 59"); 2) construct and maintain two 18" stormwater outfalls to the Swatara Creek (WWF, MF), (Latitude: 40° 12' 01", Longitude: -76° 43' 0"); 3) reconstruction of approximately 150' of roadway on each side of the bridge, all for the purpose of improving transportation safety and roadway standards. The project will utilize four temporary causeways constructed in two stages for the demolition and construction involved with this project. The project is located along SR 0230 in Middletown Borough and Londonderry Township, Dauphin County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**F60-002. Lewisburg Borough**, 55 South Fifth Street, Suite 1, Lewisburg, PA 17837. Floodplain encroachment demolition (1) in the Borough of Lewisburg, **Union County**, US ACOE Baltimore District, Quadrangle-Lewisburg, Lat.: 40° 34' 26" N, Long.: -76° 31' 52" W

Lewisburg Borough is seeking authorization to demolish the existing floodplain encroachment (flood damaged structure) and to re-grade the floodplain at the following location. 120 South Sixth Street, Lewisburg, PA 17837.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**E02-1673-A1. Neville Island Terminals Corporation**, P. O. Box 2621, Harrisburg, PA 17105; Neville Township, **Allegheny County**; ACOE Pittsburgh District

The applicant is proposing to amend Permit No. E02-1673, to construct and maintain:

1. A 24' diameter mooring cell in the Ohio River (WWF, N),
2. A 59.25' X 20', 2-tier platform that will be supported over the Ohio River by this mooring cell and an existing mooring cell,
3. Two (2) 10" product pipelines and a 12" vapor pipeline along an existing pipe rack, which spans the river from the river bank to an existing mooring cell,

for the purpose of upgrading Neville Island Terminals Corporation's existing petroleum products storage facility, for the safe operation of loading/unloading barges, at its existing terminal, at 2760 Neville Road, Pittsburgh, PA 15225 (USGS Quadrangle: Emsworth, PA; Latitude: 40° 30' 14.42"; Longitude: -80° 5' 41.92"), in Neville Township, Allegheny County. In total, these additional water obstructions will cumulatively affect approximately 2,583 ft<sup>2</sup> (0.06 acre/266.25 lf) of the Ohio River (WWF-N).

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-091: NFG Midstream Trout Run, LLC**, 6363 Main Street, Williamsville, NY, 14221, Gamble Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch gas pipeline and a timber mat bridge impacting 4,756 square feet of palustrine emergent (PEM) wetland (Cogan Station, PA Quadrangle 41°22'02"N 77°01'21"W);

2) a 12-inch gas pipeline and a timber mat bridge impacting 514 square feet of palustrine scrub-shrub (PSS) wetland (Cogan Station, PA Quadrangle 41°22'02"N 77°01'21"W);

3) a 12-inch gas pipeline and a timber mat bridge impacting 39 linear feet of an unnamed tributary to Mill Creek (EV) and 27 square feet of adjacent palustrine emergent (PEM) wetland (Cogan Station, PA Quadrangle 41°22'05"N 77°01'16"W);

4) a 12-inch gas pipeline and a timber mat bridge impacting 42 linear feet of an unnamed tributary to Mill Creek (EV) (Cogan Station, PA Quadrangle 41°22'10"N 77°01'15"W);

5) a 12-inch gas pipeline and a timber mat bridge impacting 52 linear feet of an unnamed tributary to Mill Creek (EV) and 2,339 square feet of adjacent palustrine emergent (PEM) wetlands (Cogan Station, PA Quadrangle 41°22'14"N 77°01'22"W);

6) a 12-inch gas pipeline and a timber mat bridge impacting 84 linear feet of an unnamed tributary to Mill Creek (EV) (Cogan Station, PA Quadrangle 41°22'16"N 77°01'28"W);

7) a 12-inch gas pipeline and a timber mat bridge impacting 56 linear feet of an unnamed tributary to Mill Creek (EV) (Cogan Station, PA Quadrangle 41°22'24"N 77°01'42"W);

8) a 12-inch gas pipeline and a timber mat bridge impacting 264 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'30"N 77°01'47"W);

9) a 12-inch gas pipeline and a timber mat bridge impacting 1,452 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'30"N 77°01'46"W);

10) a 12-inch gas pipeline and a timber mat bridge impacting 458 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'32"N 77°01'43"W);

11) a 12-inch gas pipeline and a timber mat bridge impacting 41 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'33"N 77°01'41"W);

12) a 12-inch gas pipeline and a timber mat bridge impacting 18 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'35"N 77°01'34"W);

13) a 12-inch gas pipeline and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'42"N 77°01'31"W).

The project will result in a total of 647 linear feet of stream impacts and 0.22 acre of wetland impacts all for the purpose of installing a natural gas gathering line and temporary access roadways for Marcellus well development.

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## ACTIONS

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users

may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0065277 (Sewage)	Lisa Bodnar Residence 3701 N Delaware Drive Easton, PA 18042	Northampton County Forks Township	Delaware River (1-F)	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0208728 (Sewage)	Clarence/Snow Shoe WWTP Tennessee Road Clarence, PA 16829	Centre County Snow Shoe Township	Unnamed Tributary to North Fork Beech Creek (9-C)	Y
PA0208736 (Sewage)	Moshannon WWTP Turkey Eye Lane Moshannon, PA 16859	Centre County Snow Shoe Township	Unnamed Tributary to Black Moshannon Creek (8-D)	Y
PA0112127 (Industrial Waste)	PFBC Tylersville State Fish Hatchery Tylersville Road Sr 780 Tylersville, PA 17747	Clinton County Logan Township	Fishing Creek (9-C)	Y
PAR804833 (Storm Water)	United Parcel Service Dist. Facility 844 Point Township Drive Northumberland, PA 17857	Northumberland County Northumberland Borough	Unnamed Canal to Lithia Springs Creek (5-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0215856	Blairsville Municipal Water System Route 217 South Hillside, PA 15717	Westmoreland County Derry Township	Trout Run (18-D)	N
PA0021971 (Industrial Waste)	East Dunkard Water Association PO Box 241 2790 S Eighty Eight Road Dilliner, PA 15327	Greene County	Monongahela River (19-G)	Y
PA0217948	Highridge Water System T899 Furnace Lane New Florence, PA 15944	Westmoreland County Saint Clair Township	Unnamed Tributary of Conemaugh River and Unnamed Tributary to Conemaugh River (18-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221643 (Sewage)	Sligo Borough STP 78 Limestone Flat Road Sligo, PA 16255	Clarion County Sligo Borough	Mineral Run (17-B)	Y



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210358 (sewage)	Paul T Green SRSTP 842 Quaker Hill Road Warren, PA 16365	Warren County Glade Township	Unnamed Tributary to Conewango Creek (16-B)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**NPDES Permit No. PA0055689**, Sewage, **Clemens Andrew S & Clemens Elaine R**, 485 Camp Rock Hill Road, Quakertown, PA 18951.

This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated wastewater from a facility known as Clemens SRSTP to Butter Creek in Watershed 3-E.

**NPDES Permit No. PA0056481 A-1**, Sewage, **L & S Estates LLC**, 2023 Fairmount Drive, Jamison, PA 18929.

This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge treated sewage from a facility known as L & S Estates to Unnamed Tributary to Cabin Run in Watershed 2-D.

**NPDES Permit No. PA0050458 A-1**, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489.

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

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge treated sewage from a facility known as Aqua PA Culbertson Run to Culbertson Run in Watershed 3-H.

**NPDES Permit No. PA0024121 A-1**, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489.

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

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge treated sewage from a facility known as Aqua PA Media STP to Ridley Creek in Watershed 3-G.

**NPDES Permit No. PA0021181**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Doylestown Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Green Street STP to Unnamed Tributary to Neshaminy Creek in Watershed 2-F.

**NPDES Permit No. PA0024180**, Sewage, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, Gilbertsville, PA 19525-0370.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Swamp Creek STP to Swamp Creek in Watershed 3-E.

**NPDES Permit No. PA0050598 A-1**, Sewage, **Bethel Baptist Church**, 754 East Rockhill Road, Sellersville, PA 18960.

This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge treated sewage from a facility known as Bethel Baptist Church STP to Unnamed Tributary to Tohickon Creek in Watershed 2-D.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**NPDES Permit No. PA0232505**, Sewage, SIC Code 4952, **Brady Township Clearfield County**, 3906 Shamokin Trail, Luthersburg, PA 15848.

This proposed facility is located in Brady Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

**PA0027367 A-1**, Sewage, SIC Code 4952, **Greenville Borough Sanitary Authority**, 125 Main Street, Greenville, PA 16125-2701.

Facility Name: Greenville Sanitary Authority STP.

This existing facility is located in Greenville Borough, **Mercer County**.

Description of Existing Activity: An amendment to an NPDES permit for an increased discharge of treated sewage. The plant design hydraulic capacity will increase from 2.8 MGD to 4.0 MGD.

The receiving stream(s), Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

**WQM Permit No. 4711401 A-1**, Sewage, SIC Code 1623, **Cooper Township Municipal Authority**, 19 Steltz Road, Danville, PA 17821-9132.

This existing facility is located in Cooper Township, **Montour County**.

Description of Proposed Action/Activity: The construction of a sewer extension and two (2) pump stations to convey flows from Cooper Twp. to Mahoning Township Municipal Authority.

**WQM Permit No. 4104401 A-1**, Sewage, SIC Code 8211, **Williamsport Area School District**, 1400 West Third Street, Williamsport, PA 17701-7898.

This existing facility is located in Hepburn Township, **Lycoming County**.

Description of Proposed Action/Activity: The addition of a 3,000 gallon equalization tank, grinder pumps, and aeration system.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 5695203**, Industrial Waste, SIC Code 4952, **Conemaugh Township Municipal Authority Somerset County**, 113 S Main Street, Davidsville, PA 15928-9401.

This existing facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: The proposed project will consist of 20' x 20' waste sand filter to filter the waste settling tank(s) effluent discharge to remove the residual amounts of iron, manganese and suspended solids.

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

**WQM Permit No. 4391412**, Sewage, Amendment, **Greenville Sanitary Authority**, 125 Main Street, PO Box 604, Greenville, PA 16125.

This existing facility is located in Greenville Borough, **Mercer County**.

Description of Proposed Action/Activity: Amendment to re-rate hydraulic capacity of wastewater treatment plant.

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.*

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030514001 Issued	Omni Bedford Springs Resort & Spa 2138 Business 220 Bedford, PA 15522	Bedford	Bedford Borough & Bedford Township	Shober's Run (HQ-CWF)
PAI033614001 Issued	Ben Martin 2200 State Route 897 Denver, PA 17517	Lancaster	West Cocalico Township	Cocalico Creek (HQ-CWF) EV Wetlands

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041413002	Logistics Group Inc 450 W Broad St Falls Creek VA 22046	Centre	Patton Township	UNT to Buffalo Run HQ-CWF
PAI041413009	Loesch Construction 2221 Upper Brush Valley Rd Centre Hall PA 16828	Centre	Spring Township	Logan Branch HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041814002	Glossner's Concrete Inc 515 Laurel Run Rd Beech Creek PA 16822	Clinton	Porter Township	Fishing Creek HQ-CWF, MF

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045314001	PA Dept of Transportation District 2-0 PO Box 342 Clearfield PA 16830	Potter	Wharton Township	E Fork Sinnemahoning Cr HQ-CWF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

##### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Providence Township Montgomery County	PAG0200 4614012(1)	Providence Corporate Center LP 100 Springhouse Drive Suite 105 Collegeville, PA 19426	Doe Run TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

##### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Weisenberg Township Lehigh County	PAG02003914002	Cyrus Gehringer Four Springs Farms, LLC 9577 Bachelor Road Kutztown, PA 19530	UNT to Mill Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Upper Saucon Township Lehigh County	PAG02003914004	Nacho Abia Olympus Corporation of the Americas 3500 Corporate Parkway Center Valley, PA 18034	Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Pittston Township  
Dupont Borough  
Luzerne County

PAG02004014005

Cleveland Brothers  
Equipment Company, Inc.  
James Martin  
Fourth Street and  
Riverside Court  
Blawnox, PA 15238Mill Creek  
(CWF, MF)Luzerne Conservation  
District  
570-674-7991*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,  
717.705.4802**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Susquehanna  
Township  
Dauphin CountyPAG02002214028  
IssuedSusquehanna Township  
Authority  
1900 Linglestown Road  
Harrisburg, PA 17110Paxton Creek/WWF  
Asylum Run/WWFDauphin County  
Conservation District  
1451 Peter's Mountain  
Road  
Dauphin, PA 17018-9504  
717.921.8100South Hanover  
Township  
Dauphin CountyPAG02002209014R  
IssuedWC Farms, LLC  
2805 Old Post Road  
Harrisburg, PA 17110

Kellock Run/WWF

Dauphin County  
Conservation District  
1451 Peter's Mountain  
Road  
Dauphin, PA 17018-9504  
717.921.8100Middletown  
Borough  
Dauphin CountyPAG02002214014  
IssuedSpring Street  
Properties, LP  
60 West Emaus Street  
Middletown, PA 17057

Swatara Creek/WWF

Dauphin County  
Conservation District  
1451 Peter's Mountain  
Road  
Dauphin, PA 17018-9504  
717.921.8100Susquehanna  
Township  
Dauphin CountyPAG020022034R(1)  
IssuedThea Drive Associates  
474 Mount Sidney Drive  
Lancaster, PA 17602

Paxton Creek/WWF

Dauphin County  
Conservation District  
1451 Peter's Mountain  
Road  
Dauphin, PA 17018-9504  
717.921.8100Swatara Township  
and Harrisburg  
City  
Dauphin CountyPAG02002212023R  
IssuedCapital Region Water  
212 Locust Street  
Harrisburg, PA 17101Spring Creek/  
CWF, MFDauphin County  
Conservation District  
1451 Peter's Mountain  
Road  
Dauphin, PA 17018-9504  
717.921.8100Centre Township  
Berks CountyPAG02000614028  
IssuedKen & Pam Reigel  
2930 Belleman's Church  
Road  
Mohrsville, PA 19541UNT to Irish  
Creek /WWF, MFBerks County  
Conservation District  
1238 County Welfare  
Road, Suite 200  
Leesport, PA 19533-0520  
610.372.4657Muhlenberg  
Township  
Berks CountyPAG02000614024  
IssuedPennDOT Engineering  
District 5-0  
1002 Hamilton Street  
Allentown, PA 18101Laurel Run/  
WWF, MFBerks County  
Conservation District  
1238 County Welfare  
Road, Suite 200  
Leesport, PA 19533-0520  
610.372.4657Robeson Township  
and Birdsboro  
Borough  
Berks CountyPAG02000611055(1)  
IssuedGrande Construction  
Company  
2213 Quarry Road  
Suite B-001  
West Lawn, PA 19609UNT to Schuylkill  
River/WWFBerks County  
Conservation District  
1238 County Welfare  
Road, Suite 200  
Leesport, PA 19533-0520  
610.372.4657

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Reading Berks County	PAG020006090005R Issued	Reading Hospitality, LLC 4600 Perkiomen Avenue Reading, PA 19606	Schuylkill River/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Broad Top Township Bedford County	PAG02000514003 Issued	Broadtop Township PO Box 57 Defiance, PA 16633	Sandy Run/ WWF, MF	Bedford County Conservation District 702 West Pitt Street, Suite 4 Bedford, PA 15522 814.623.8099
Bedford Township Bedford County	PAG02000514002 Issued	Crossroads Bible Church 5564 U.S. 220 Business Bedford, PA 15522	Brush Run/ WWF, MF	Bedford County Conservation District 702 West Pitt Street, Suite 4 Bedford, PA 15522 814.623.8099
Guilford Township Franklin County	PAG02002814022 Issued	Sheetz 5700 Sixth Ave Altoona, PA 16602	Falling Spring Branch/TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Washington Township Franklin County	PAG02002808037R Issued	Mary Lindquist 13163 Monterey Lane Blue Summit, PA 17214	Miney Branch/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Southampton Township Franklin County	PAG020028 09034R Issued	Briary Ridge Phase 2 870 Remington Drive Shippensburg, PA 17257	Middle Spring Creek CWF/MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Montgomery Township Franklin County	PAG02002814018 Issued	Sheldon Eby PO Box 2124 Hagerstown, MD 21742	UNT to Conococheague Creek/WWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Greene Township Franklin County	PAG02002804043R Issued	Village Green 418 Epic Drive Chambersburg, PA 17201	Rowe Run/CWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Greene Township Franklin County	PAG02002814015 Issued	HC Gabler Phase 2 5195 Technology Avenue Chambersburg, PA 17201	UNT to Conococheague Creek/ CWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Hamilton Township Franklin County	PAG02002811033R Issued	Dice 4 Lot Subdivision 143 East Queen Street Chambersburg, PA 17201	Dennis Creek/ CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Antrim Franklin County	PAG02002805045R Issued	Paradise Estates 10764 Buchanan Trail East Waynesboro, PA 17268	UNT to Conococheague Creek/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hamilton Franklin County	PAG02002814009 Issued	Bricker's Turkey Barns 8310 Fort McCord Road Chambersburg, PA 17202	UNT to Dennis Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Shippensburg Borough Franklin County	PAG02002812020(1) Issued	Kenyon Energy LLC 5772 Timuquana Road Jackson, FL 32210	Middle Spring Creek/ CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Antrim Township Franklin County	PAG02002804015R Issued	Creekwood S&A Homes 2966 Philadelphia Avenue Chambersburg, PA 17201	UNT to Conococheague Creek/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Montgomery Township Franklin County	PAG02002814017 Issued	Mercersburg Academy Faculty Housing 300 East Seminary Street Mercersburg, PA 17236	UNT Johnston Run/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17202 717.264.5499
Cumberland Township Adams County	PAG02000110015R	Michael J. and Vanessa M. Robinson 1403 Gridley Lane Silver Spring, MD 20902 Later to be 198 Ridge Road Gettysburg, PA 17325	Tributary to Rock Creek/ WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg Pa 17325 717.334.0636

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Wyalusing Township Bradford County	PAG02000814005	Jayne Nesgresky Southwestern Energy 917 State Route 92 N Tunkhannock PA 18657	Wyalusing Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Muncy Creek Township Lycoming County	PAG02004113013(1)	Scott Johnson Carlton Oaks LLC 2050 Poco Farm Rd Williamsport PA 17701	Glade Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Lower Augusta Twp Northumberland Cnty	PAG02004907007R	Susquehanna Rail Works 7133 SR 147 Sunbury PA 17801	Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Rush Township Northumberland Cnty	PAG02004914003	Boyd Station Expansion 125 Elysburg Rd Danville PA 17821	UNT Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Jackson Township Snyder County	PAG02005508006R	Shade Mt Homes LLC 267 Shrawder Ave Middleburg PA 17842	UNT to Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Monroe Township Snyder County	PAG02005509001R	Oakwood Grove Subd 1300 Market St Lemoyne PA 17043	UNT to Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Beavertown Borough Beaver Township Snyder County	PAG02005512003R	Beaver Tale Phase 2 1686 Weaverland Rd East Earl PA 17519	UNT to Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Perry Township Snyder County	PAG02005512005R	Jonathan Hoffman 1219 Creek Rd Mt Pleasant Mills PA	UNT to WB Mahantango Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
West Perry, Perry & Chapman Townships Snyder County	PAG02005513012	PPL Elec Utilities Corp Richfield/Dalmatia 69kV 2 N 9th St Allentown PA 18101	Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Shamokin Dam Borough Snyder County	PAG02005514001	Calvary Fellowship Susquehanna Valley—Land Development 117 W 11th Ave Shamokin Dam PA 17876	UNT to Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Franklin Township Snyder County	PAG02005514002	Keister Family Farms LLC 105 Keister Farm Ln Middleburg PA 17842	UNT to Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Spring Township Snyder County	PAG02005514003	Cleon Martin Poultry Ops 12103 Route 235 Beaver Springs PA 17812	UNT to Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
West Perry Township Snyder County	PAG02005514004	Gerald High Poultry Ops 150 Planning Mill Rd Richfield PA 17086	UNT to WB Mahantango Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Shaler Township Allegheny County	PAG02000206034R	Shaler Township 300 Wetzel Road Glenshaw, PA 15116	UNT to Girtys Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Plum Borough Allegheny County	PAG02000210042R1	Plum Borough 4575 New Texas Road Pittsburgh, PA 15239	Little Plum Creek (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Ross Township Allegheny County	PAG02000213125	Lorigan, LLC. 4002 Lorigan Street Pittsburgh, PA 15224	Jacks Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Upper St. Clair Township Allegheny County	PAG02000214025	The Goodard School 825 E. McMurray Road Venetia, PA 15367	Painters Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Plum Borough Allegheny County	PAG02000214037	Oakmont Country Club 1233 Hulton Road Oakmont, PA 15139	Blacks Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Hampton Township Allegheny County	PAG02000214038	Robert and Debra Ladley 16 Edgewood Road Pittsburgh, PA 15215	Cedar Run (CWF) and Shafers Run (CWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Municipality of Bethel Park Allegheny County	PAG02000214039	Bethel Park Municipal Council 5100 West Liberty Ave Bethel Park, PA 15102	UNT to Peters Creek (TSF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000214042	Sports & Exhibition Authority 171 10th Street, 2nd Floor Pittsburgh, PA 15222	Monongahela River (WWF-N)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Robinson Township Allegheny County	PAG02000214043	Kossman Development Company Eleven Parkway Center, Suite 300 Pittsburgh, PA 15220	UNT to Campbells Run to Chartiers Creek (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Findlay Township Allegheny County	PAG02000214047	Chapman Commerce Center, LLP. 100 Leetsdale Industrial Drive Leetsdale, PA 15056	UNT to Potato Garden Run (WWF) and St. Patrick Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Collier Township Allegheny County	PAG02000214050	Allegheny County Dept of Public Works 542 Forbes Ave Pittsburgh, PA 15219	Thoms Run (TSF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000214057	Waterford Land Partners, LP 2585 Washington Road Building 100, Suite 130 Pittsburgh, PA 15241 & Allegheny Cemetery 4734 Butler St. Pittsburgh, PA 15201	Lower Allegheny River (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Big Beaver Borough Allegheny County	PAG02000414006	Amy Peng 619 Slack Street Subenville, OH 43952	Beaver River (WWF)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Brothersvalley Township Somerset County	PAG02005608012R	Fogle Mining, Inc. PO Box 62 Berlin, PA 15530		Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15301 (814) 445-4652



*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Slippery Rock Township Butler County	PAG02001014015	Slippery Rock Area School District 201 Keister Road Slippery Rock PA 16057	Unt Slippery Rock Creek WWF	Butler County Conservation District 724-284-5270
Jones Township Elk County	PAG02002414003	Precision Compacted Metals 317 Buena Vista Highway Wilcox PA 15870	West Branch Clarion River CWF	Elk County Conservation District 814-776-5373
Fairview Township Erie County	PAG02002511006R	Joel Muzyka PO Box 8857 Erie PA 16505	Unt Trout Run CWF; MF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002512008R	F&S Tool Inc 2300 Powell Avenue Erie PA 16506	Lake Erie CWF; MF	Erie County Conservation District 814-825-6403
City of Sharon Mercer County	PAG02004313007	Brownstone Group LLC 3768 Sharon-New Castle Road PO Box 233 West Middlesex PA 16159	Shenango River WWF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Johnstown City Cambria County	PAR126106	Pepsi Beverages Company 429 Industrial Park Road Johnstown, PA 15904	Solomon Run—18-E WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Chartiers Township Washington County	PAR806123	UPS Freight 521 North Center Avenue New Stanton, PA 15672	Unnamed Tributary to Chartiers Creek—20-F WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Georges Township Fayette County	PAR806268	Johnson Matthey Inc. 605 Mountain View Drive Smithfield, PA 15478	Unnamed Tributary to Georges Creek—19-G WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Elizabeth Township Allegheny County	PAR706125	Yurechko Auto 1935 Drake Street Boston, PA 15135	Youghiogheny River—19-D WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin Township Greene County	PAG106178	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	Jackson Run and Purman Run—19-B WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-13**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Douglass Township Montgomery County	PAG130095	Douglass Township Montgomery County 1320 E Philadelphia Avenue Gilbertsville, PA 19525	Swamp Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*General Permit Type—MS4 PAG13**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Charleroi Borough Washington County	PAG136102	Charleroi Borough 4th & Fallowfield Avenue Charleroi, PA 15022	Maple Creek, Monongahela River and Unnamed Tributary to Monongahela River 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Borough of Manor Westmoreland County	PAG136294	Manor Borough Westmoreland County 44 Main Street Manor, PA 15665	Bushy Run, Brush Creek 19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Blawnox Borough Allegheny County	PAG136123	Blawnox Borough Allegheny County 376 Freeport Road Blawnox, PA 15238-3440	Allegheny River 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
City of Jeannette Westmoreland County	PAG136299	City of Jeannette 110 S Second Street Jeannette, PA 15644	Brush Creek 19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Carroll Township Washington County	PAG136211	Carroll Township 130 Baird Street Monongahela, PA 15063	Monongahela River and Pigeon Creek—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
West Deer Township Allegheny County	PAG136217	West Deer Township 109 East Union Road Cheswick, PA 15024	Cedar Run, Cunningham Run, Dawson Run, Unnamed Tributary to Deer Creek, Unnamed Tributary to Little Deer Creek and West Branch Deer Creek—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

**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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

##### Permit No. 6614502MA, Public Water Supply.

Applicant **Silver Springs Ranch, LLC**  
5148 Nuangola Rd.  
Mountain Top, Pa 18707

[Borough or Township] Monroe Township

County **Luzerne**

Type of Facility BVRB

Consulting Engineer Thomas Pullar, PE  
EarthRes Group, Inc.  
P.O. Box 468  
Pipersville, Pa 18947

Permit to Construct Issued June 24, 2014

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

##### Permit No. 3614509 MA, Minor Amendment, Public Water Supply.

Applicant **Elizabethtown Area Water Authority**

Municipality Mount Joy Township

County **Lancaster**

Responsible Official Eugene H. Haldeman Jr,  
Operations Manager  
211 W Hummelstown Street  
Elizabethtown, PA 17022

Type of Facility Installation of a PAX mixer in the Indian Rock Circle Tank.

Consulting Engineer Jason G. Saylor, P.E.  
Utility Service Group, Inc  
535 Courtney Hodges Boulevard  
Perry, GA 31069

Permit to Construct Issued 6/20/2014

##### Permit No. 5014502, Public Water Supply.

Applicant **Penn Township Municipal Authority**

Municipality Penn Township

County **Perry**

Responsible Official Henry Holman III, Chairman  
102 Municipal Building Road  
Duncannon, PA 17020

Type of Facility Upgrades for the Sunshine Hill Water Treatment Plant including a new iron and manganese treatment system, a new 110,000 gallon storage tank, a booster pump station and distribution pipe replacements.

Consulting Engineer Randolph S. Bailey, P.E.  
Wm. F. Hill & Assoc., Inc.  
207 Baltimore Street  
Getysburg, PA 17325

Permit to Construct Issued 6/20/2014

##### Permit No. 0614503 MA, Minor Amendment, Public Water Supply.

Applicant **Borough of Shoemakersville**

Municipality Shoemakersville Borough

County **Berks**

Responsible Official Paul J. Gruber Jr, Borough Council President  
115 East Ninth Street  
Shoemakersville, PA 19555

Type of Facility Reinstallation of corrosion control facilities. Approval to use an approximate 75%/25% poly-ortho phosphate corrosion inhibitor. Also included is the removal of potassium permanganate feed addition at EP 106 (Well Nos 4, 5 & 6).

Consulting Engineer Bradley D. Smith, P.E.  
ARRO Consulting, Inc.  
50 Berkshire Court  
Wyomissing, PA 19610

Permit to Construct Issued 6/20/2014

**Operation Permit No. 3809503 MA** issued to: **Fredericksburg Sewer & Water Authority** (PWS ID No. 7380035), Bethel Township, **Lebanon County** on 6/20/2014 for facilities approved under Construction Permit No. 3809503 MA.

**Operation Permit No. 0614504 MA** issued to: **Hamburg Municipal Authority** (PWS ID No. 3060035), Windor Township, **Berks County** on 6/12/2014 for facilities approved under Construction Permit No. 0614504 MA.

**Operation Permit No. 3060088** issued to: **Pennsylvania-American Water Company** (PWS ID No. 3060088), Exeter Township, **Berks County** on 6/13/2014 for facilities approved under Construction Permit No. 0613515 MA.

**Operation Permit No. 3066589** issued to: **Crossroads Beverage Group, LLC** (PWS ID No. 3066589), Muhlenberg Township, **Berks County** on 5/23/2014 for facilities approved under Construction Permit No. 0613517 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4713501MA—Operation—Public Water Supply.**

Applicant **Danville Municipal Authority**  
 Township/Borough Danville Borough  
 County **Montour**  
 Responsible Official Mr. Walter Schultz  
 Danville Municipal Authority  
 12 West Market Street  
 P.O. Box 179  
 Danville, PA 17821

Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued June 26, 2014  
 Description of Action Authorizes use of the two new chemical feed systems, including sulfuric acid for pH adjustment and a nonionic polymer for improved settling, and replacement of sodium hexametaphosphate with zinc orthophosphate for corrosion control.

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

**Permit No. 0414501, Public Water Supply.**

Applicant **Creswell Heights Joint Authority**  
 PO Box 301  
 3961 Jordan Street  
 South Heights, PA 15081

[Borough or Township] Hopewell Township  
 County **Beaver**  
 Type of Facility Airport Road water storage tank  
 Consulting Engineer Rabosky & Associates, Inc.  
 104 Wynview Drive  
 Moon Township, PA 15108

Permit to Construct Issued June 18, 2014

**Permit No. 0213545, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

[Borough or Township] Union Township  
 County **Washington**  
 Type of Facility Water system  
 Consulting Engineer HDR Engineering, Inc.  
 11 Stanwix Street  
 Suite 800  
 Pittsburgh, PA 15222

Permit to Construct Issued June 18, 2014

**Permit No. 2613511, Public Water Supply.**

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

[Borough or Township] Bullskin Township

County **Fayette**  
 Type of Facility Tenaska Oaks #2 pump station  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct Issued June 18, 2014

**Permit No. 2613516, Public Water Supply.**

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

[Borough or Township] Dunbar Township  
 County **Fayette**  
 Type of Facility Indian Creek water treatment plant  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct Issued June 18, 2014

**Operations Permit** issued to: **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108, (PWSID #5020011) Moon Township, **Allegheny County** on June 18, 2014 for the operation of facilities approved under Construction Permit # 0211510.

**Permit No. 2613515MA, Minor Amendment. Public Water Supply.**

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

[Borough or Township] Bullskin, Upper Tyrone, Lower Tyrone, South Huntingdon and East Huntingdon Townships  
 County **Fayette and Westmoreland**  
 Type of Facility Tenaska transmission main  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct Issued June 18, 2014

**Permit No. 2614504MA, Minor Amendment. Public Water Supply.**

Applicant **Indian Creek Valley Water Authority**  
 PO Box 486  
 2019 Indian Head Road  
 Indian Head, PA 15446

[Borough or Township] Springfield Township  
 County **Fayette**  
 Type of Facility Mount Tabor Road waterline

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Indianola, PA 15051

Permit to Construct June 18, 2014  
Issued

**Permit No. 5613510MA, Minor Amendment.** Public Water Supply.

Applicant **Somerset County General Authority**  
300 North Center Avenue  
Suite 500  
Somerset, PA 15501

[Borough or Township] Lincoln Township  
County **Somerset**

Type of Facility Water system

Consulting Engineer Somerset Planning & Engineering Services, LLC  
222 West Main Street  
Suite 100  
Somerset, PA 15501

Permit to Construct June 18, 2014  
Issued

**Permit No. 465W009-T1, Minor Amendment.** Public Water Supply.

Applicant **Indian Creek Valley Water Authority**  
PO Box 486  
2019 Indian Head Road  
Indian Head, PA 15446

[Borough or Township] Ohiopyle Borough  
County **Fayette**

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Indianola, PA 15051

Permit to Operate June 18, 2014  
Issued

**Permit No. 5020051-T1, Minor Amendment.** Public Water Supply.

Applicant **Aleppo Township Authority**  
100 North Drive  
Sewickley, PA 15143

[Borough or Township] Glenfield Borough  
County **Allegheny**

Type of Facility Water system

Consulting Engineer

Permit to Operate June 18, 2014  
Issued

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

**Permit No. 1014502** Public Water Supply

Applicant **Steele Station**  
Township or Borough Clearfield Township  
County **Butler**  
Type of Facility Public Water Supply

Consulting Engineer William P. Deemer, P.E.  
William P. Deemer & Associates  
205-B South Duffy Road  
Butler, PA 16001

Permit to Construct June 26, 2014  
Issued

## WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA26-5B, Water Allocations. Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, **Washington County**. This permit authorizes the withdrawal of up to 1,656,000 gallons of water per day, as a peak month, 30-day average, from the Monongahela River, Fayette County.

**WA26-5C, Water Allocations. Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, **Washington County**. This permit authorizes the purchase of 9,000 gallons of water per day, as a peak month, 30-day average, from the Municipal Authority of Westmoreland County.

**WA3-1006, Water Allocations. Brady's Bend Township Water and Sewer Authority**, 697 State Route 68, East Brady, PA 16028, **Armstrong County**. This permit authorizes the withdrawal of 106,500 gallons of water per day, as a peak day, from the abandoned underground limestone mine, Armstrong County.

**WA2-200D, Water Allocations. Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, **Washington County**. This Modification Order, Condition No. 24 approves the service area expansion into Claysville Borough and portions of Donegal and East Finley Townships, Washington County.

## SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
St Thomas Township	965 Hade Rd, Chambersburg, PA 17202	Franklin

*Plan Description:* Approval of a revision to the official plan of Southampton Township, Franklin County. The project is known as J. Daniel Stelfox. The plan provides for a Small Flow Treatment Facility to serve one new single family residence. The proposed development is located on Rolling Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this plan revision is DEP Code No. A3-28920-339-3 and the APS ID is 839713. Any permits must be obtained in the name of J. Daniel Stelfox.

## SEWAGE FACILITIES ACT PLAN DISAPPROVAL

### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reading Township	50 Church Rd. East Berlin PA 17316	Adams

*Plan Description:* The planning module for the Jeff and Deborah Seibert Subdivision, DEP Code No. B3-01928-238-2/3S, APS Id 752389, providing for a six lot single family residential subdivision where Lot 1 will utilize an individual residential spray irrigation system and Lots 2-6 will be tributary to a small flow treatment facility for sewage disposal is disapproved. The treatment facility is proposed to discharge 2000 gallons per day to a dry stream channel tributary to Mud Run. The property is located on the north side of Nell Road, approximately 1500 feet east of Stony Point Road in Reading Township. This plan is disapproved because: 1) Ultimate ownership and the responsibility for proper operation and maintenance of the proposed sewage facility will be the property owners of Lots 2 through 6. The property owner's agreement included in the planning module is not acceptable under the requirements of Chapter 71, Section 71.64(c)(5). When multiple property owners are equally responsible for operation and maintenance they must be joined under the umbrella of a single association, trust, or other private entity which is structured to manage the system. The property owner's agreement does not adequately address this ultimate arrangement. For such an arrangement the requirements of Chapter 71, Section 71.64(c)(5)(vi) must be addressed; 2) In light of item #1, the planning module did not contain the information required by Chapter 71, Section 71.52(a)(6); 3) The concerns raised by the Adams County Office of Planning and Development were not considered and addressed by the municipality as required by Chapter 71, Section 71.53(e); 4) Section Q of Component 3S was not completed and signed by the municipality.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors,

a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Logistics World Express, LLC**, US Route 15, southbound, Lewis Township, **Lycoming County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Logistics World Express, LLC, 110 Jabez Street, Newark, NJ 07105, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene and Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Earl Brown Jr. Trucking**, Colonel John Kelly Road, West Buffalo Township, **Union County**. Northridge Group, Inc., P. O. Box 231, Northumberland, Pa 17857 on behalf of their client Earl Brown Jr. Trucking, 150 Elbow Road, Linden, Pa 17744 submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Isopropylbenzene (Cumene), Naphthalene, 1,3,5-Trimethylbenzene, and 1,2,4-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Lubson Property**, 2571 Bart Garden Drive, Lower Saucon Township, **Northampton County**, Thomas Martinelli, JMT Environmental, has submitted an NIR (Notice of Intent to Remediate) and a Final Report, on behalf of his client Hal Lubson, Oak Leaf Properties, 824 Eighth Avenue, Bethlehem, PA 18018, concerning the remediation of soil due to a five gallon #2 heating oil release from one 275 gallon 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 NIR and Final Report was published in *The Express Times* on May 23, 2014.

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

**Heritage Hills Resort Equipment Storage Area**, 2800 Mount Rose Avenue, York, PA 17402, York Townships, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Heritage Hills Associates, 2700 Mount Rose Avenue, York, PA 17402, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Donna Burke Residence**, 106 Sponsler Road, Everett, PA 15537, West Providence Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Nationwide Agribusiness, 1100 Locust Street, #3011, Des Moines, IA 50391, and Donna Burke, 106 Sponsler Road, Everett, PA 15537, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Metal Powder Products**, 150 Ford Road, City of Saint Marys, **Elk County**. Mountain Research, LLC., 825 25th Street, Altoona, PA 16601, on behalf of Metal Powder Products, LLC., 16855 Southpark Drive, Suite 100, Westfield, IN 46074, submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with volatile organic compounds, primarily trichloroethene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Buffalo & Pittsburgh Railroad Butler**, 100 B&P Lane, Butler and Summit Townships, **Butler County**. SE Technologies, LLC., 98 Vanadium Road, Bridgeville, PA 15017, on behalf of Buffalo & Pittsburgh Railroad, Inc., 100 B&P Lane, Butler, PA 16001, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Chrysene, Fluorene, Phenanthrene, Pyrene and site groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Chrysene, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, and Pyrene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Just Kingsley Corporation**, Intersection of McMahan Road and SR 220, Cherry Township, **Sullivan County**. Northridge Group, Inc., P.O. Box 231, Northumberland, Pa 17857, on behalf of Just Kingsley Corporation, Intersection of McMahan Road and SR 220 Dushore, PA 18614, submitted a Final Report concerning the remediation of site soils, contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether, Benzo(a) anthracene, Benzo (a) pyrene.

The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department of June 4, 2014.

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

**Equity LifeStyle Properties, Inc., (Li'l Wolf Circle)**, 3510 Li'l Wolf Circle, North Whitehall Township, **Lehigh County**, Tom Schreffler, Light-Heigel & Associates, has submitted a Notice of Intent to Remediate and a Final Report on behalf of his client, Jerry Fenstermaker, Equity LifeStyle Properties, Inc., 3411 Li'l Wolf Drive, Orefield, PA 18069, concerning the remediation of soil due to approximately 10 gallons of #2 fuel oil which leaked from an above ground storage tank. The report did not document attainment of the Non-Residential Statewide Health Standard for soil and was disapproved on May 14, 2014.

**Kinship Square**, 165 North Main Street, Wilkes-Barre City, **Luzerne County**, Dave Fife, Quad3 Group Inc., has submitted a Final Report on behalf of his client, Dave Selingo, 345 Market Street, Kingston, PA 18704, concerning the remediation of soil due to historical operations as a dry cleaning operation. UST's (underground storage tanks) of various sizes were present at one time which contained heating oil, diesel, gasoline and solvents. The report documented attainment of the Statewide Health Standards for soil and was approved on May 7, 2014.

**Bethlehem Commerce Center-Wal-Mart Warehouse**, 2785 Commerce Center Boulevard, **Northampton County**, Donald Bowman, Maser Consulting PA, 190 Brodhead Rd, Suite 210, Bethlehem, PA 18017, had submitted a Final Report on behalf of his client, Ed Flowerday, Liberty Property Trust/Liberty Property Limited Partnership, 74 Broad Street, Suite 530, Bethlehem, PA 18018, concerning soil remediation to an asphalt driveway and soil near roll up doors and loading docks of the Wal-Mart warehouse. The report documented attainment of the non-Residential Statewide Health Standards for soil and was approved on June 10, 2014. The report was originally submitted within 90 days of the release.

**J. Hawley Well Pad**, 2122 Chestnut Ridge Road, Lake Forest Township, **Susquehanna County**, Dawn Washo, Resource Management, Inc., had submitted a final report on behalf of her client, Andy Mehalko, Cabot Oil & Gas, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil from an undetermined volume of produced water released at the well pad. The report documented attainment of the Residential Statewide Health Standards and Background Health Standards for soil and was approved on May 15, 2014.

**Kropa T. Well Pad**, 794 State Route 291, Springville Township, **Susquehanna County**, Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801 has submitted a Final Report, (on behalf of her client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of approximate 2 to 3 barrels of produced water released which impacted soils at Kropa T. 1H, 3H and 4H well pads. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on May 27, 2014. The report was originally submitted within 90 days of the release.

**Southern Tier Plastics Property, (New Milford Sr. Housing)**, 115 Church St, New Milford Borough, **Susquehanna County**, Martin Gilgallon, Pennsylvania Tectonics, 723 Main Street, Archbald, PA 18403, has submitted a Remedial Investigation Report, Cleanup Plan and Final Report on behalf of his client, **Susquehanna**

**County Housing Development Corporation**, 33 Public Avenue, Montrose, PA 18801, concerning the remediation of soil and groundwater from metals, SVOCS, and PCBS as a result from historical operations at the former leather tannery, silk mill and plastics manufacturer. The report was submitted to document attainment of the Site-Specific Standard for soil and groundwater and the Statewide Health Standard for soil and was approved on June 24, 2014.

**R Reynolds Well Pad**, 532 Dayton Road, Jessup Township, **Susquehanna County**, Dawn Washo, Resource Management, Inc., had submitted a final report on behalf of her client, Andy Mehalko, Cabot Oil & Gas, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil of approximately 90 barrel release of produced fluid to the surface of the well pad. The report documented attainment of the Residential Statewide Health Standards and Background Health Standards for soil except for potassium where background concentrations were variable and was approved on June 6, 2014. The report was submitted within 90 days of the release.

**Pilot/Flying J**, Intersection of Buckeye Road & Tank Farm Road, Upper Milford Township, **Lehigh County**, Robert Byer, Sovereign Consulting, Inc., has submitted a RIR (Remedial Investigation Report) on behalf of his clients, Caleb Gehris, 4968 Buckeye Road, Richard & Clydette Lobach, 4950 Buckeye Road, and Terry Clymer, 3963 Tank Farm Road, Macungie PA 18049, concerning the remediation of soil due to an automobile collision with a tanker truck containing diesel fuel and gasoline at the intersection of Buckeye Road and Tank Farm Road. Approximately 2,075 gallons of diesel fuel was released to the environment. The report documented attainment of the Statewide Health Standards and the Site Specific Standards for soil and was approved on June 9, 2014.

**Suburban Propane**, 245 Wall Street, New Milford Borough, **Susquehanna County**, James Clark, CEMATS, has submitted a RIR (Remedial Investigation Report) and a Final Report on behalf of his client, Richard Williams (representative of owner), Suburban Heating Oil Partners, PO Box 4833, Syracuse, NY 13221, concerning the remediation of soil and groundwater found to have been impacted by unleaded gasoline and # 2 fuel oil as a result of historical operations at the site. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil and groundwater and Site Specific Standard for groundwater. A public notice regarding the submission of the RIR and Final Report was published in the Press & Sun Bulletin on May 9, 2014. The RIR and Final Report did not document attainment of the Statewide Health Standard for soil and groundwater or the Site Specific Standard for groundwater and was disapproved on June 6, 2014.

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

**Former Bimbo Bakery**, 1901 North Cameron Street, Harrisburg, PA 17103, City of Harrisburg, **Dauphin County**, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of John Hoffman, Esq., Legal Consultant for the Remediator and Property Owner, Bryan Cave, LLP, 1 Metropolitan Square, Suite 3600, Saint Louis, MO 63102, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment



of the Residential Statewide Health Standard, and was approved by the Department on June 26, 2014.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**All American Hose Inc.**—6420 West Ridge Road, 6420 West Ridge Road, Fairview Township, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Suite 500, Pittsburgh, PA 15219, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, 1,1,2-trichloro-1,2,2-trifluoroethane, Tetrachloroethene, Toluene, 1,1,1-trichloroethane, 1,2,4-trimethylbenzene, Total Xylenes, Acetone, Ethyl Benzene, Trichloroethene, Acenaphthulene, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Benzo[g,h,i]perylene, Benzo[a]pyrene, Chrysene, Dibenz[a,h]anthracene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium; site groundwater contaminated with 1,1,2-trichloro-1,2,2-trifluoroethane, Tetrachloroethene, 1,1,1-trichloroethane, Trichloroethene, Bromodichloromethane, 1,1,-dichloroethane, 1,1,2-trichlorotrifluoroethane, and Barium. The Final Report did not demonstrate attainment of the Site-Specific and Statewide Health standards, and was disapproved by the Department on June 18, 2014.

**Parker Hannifin Corporation** (201 Titusville Road), 201 Titusville Road, Union City Borough, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Suite 500, Pittsburgh, PA 15215 on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation Report concerning the remediation of site soil and site groundwater contaminated with VOCs. The Report was disapproved by the Department on June 18, 2014.

**Bradford Mall**, 1001 East Main Street, Foster Township, **McKean County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Brixmor Properties Group, 420 Lexington Avenue, 7th Floor, New York, NY 10170, submitted a Cleanup Plan concerning the remediation of site soils contaminated with Chlorinated Volatile Organic Compounds. The Plan was approved by the Department on June 16, 2014.

**Stoneboro Custom Cycles**, 9 Branch Street, Borough of Stoneboro, **Mercer County**. URS Corporation, 12420 Milestone Center Drive, Germantown, MD 20878, on behalf of Pennzoil Quaker State Company, 700 Milam Road, Houston, TX 77002, submitted a Risk Assessment/Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xylenes (total), Naphthalene, Isopropylbenzene, 1,2,4-trimethylbenzene, 1,2,5-trimethylbenzene, Cumene, Lead, Methyl tert butyl ether and site groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes (total), Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dichloroethane, Cumene, Lead, and Methyl tert butyl ether. The Report was disapproved by the Department on June 23, 2014.

**All American Hose** (217 Titusville Road), 217 Titusville Road, Union City Borough, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Suite 500 Pittsburgh, PA 15219, on behalf of Parker Hannifin Corporation, submitted a Remedial

Investigation/Final Report concerning the remediation of site soils contaminated with Acetone, Benzene, 2-Butanone, Ethylbenzene, Isopropylbenzene, Toluene, Xylenes, Anthracene, Benzo[a]anthracene, Benzo[b]fluoroanthene, Benzo[k]fluoroanthene, Benzo[a]pyrene, Chrysene, Fluoroanthene, Phenanthrene, Pyrene, Arsenic, Barium, Chromium, Lead, Mercury, Selenium, Silver and site groundwater contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium. The Final Report did not demonstrate attainment of a combination of the Site-Specific and Statewide Health standards and was disapproved by the Department on June 25, 2014.

**Parker Hannifin Corporation** (74 South Main Street), 74 South Main Street, Union City Borough, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 707 Grant Street, Suite 500, Pittsburgh, PA 15215, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, 2-butanone, Methylene chloride, Tetrachloroethene, Toluene, Trichloroethene, Xylene, Acetone, Acenaphthylene, Anthracene, Benzo[a]anthracene, Benzo[k]fluoroanthene, Benzo[g,h,i]perylene, Benzo[a]pyrene, 2 chloronaphthalene, Chrysene, 2,4-dinitrotoluene, fluoranthene, indeno[1,2,3-cd]pyrene, Naphthalene, Phenanthrene, Pyrene, Arsenic, Barium, Chromium, Lead, Mercury, Silver and site groundwater contaminated with Chloroform, Arsenic, Barium, Lead, and Selenium. The Final Report did not demonstrate attainment of a combination of the Site-Specific and Statewide Health standards and was disapproved by the Department on June 25, 2014.

**Correction: Metal Powder Products**, 150 Ford Road, City of Saint Marys, **Elk County**. Mountain Research, LLC., 825 25th Street, Altoona, PA 16601, on behalf of Metal Powder Products, LLC., 16855 Southpark Drive, Suite 100, Westfield, IN 46074, submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with volatile organic compounds, primarily trichloroethene. The Report was disapproved by the Department on June 17, 2014.

#### REGISTRATION FOR MUNICIPAL WASTE GENERAL PERMITS

**Registration for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Municipal Waste Regulations for a General Permit To Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

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

**General Permit No. WMGM042SW001. Hillcrest Saylor Dairy Farms, LLC**, 3684 Kingwood Road, Rockwood, PA 15557. The Department of Environmental Protection has issued a registration under General Permit WMGM042 to Hillcrest Saylor Dairy Farms, LLC for their facility located in Middlecreek Township, **Somerset County**. The registration was issued by the Regional Office on June 26, 2014.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit(s) issued 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 Solid Waste Processing or Disposal Area or Site.**

*Southwest Regional Office, 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. Permit renewal for continued operation of the Brunner Recycling Facility located in Harmony Township, **Beaver County** was issued in the Regional Office on June 27, 2014.

**Permits renewed under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200*

**Permit No. 301343 RecOil, Inc. (Bedford Transfer facility)** 170 Transport Road, Suite 32 Bedford, PA 15522. The permit for the Bedford Transfer Facility located in Bedford Township, **Bedford County**, which expires on September 28, 2014, was renewed until September 29, 2024. The permit renewal was issued on June 12, 2014. This permit renewal is issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq. Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**GP1-54-003: D. G Yungling & Sons, Inc.** (Fifth & Mahantongo Streets, Pottsville, PA 17901) on June 24, 2014, to operate three (3) natural gas fired boilers at facility in Pottsville City, **Schuylkill County**.

**GP3-58-022: Somerset Regional Water Resources, LLC** (P.O. Box 190, Springville, PA 18844) on June 24, 2014, to construct and operate of a portable stone crushing plant at the facility located in Bridgewater Township, **Susquehanna County**.

**GP9-58-022: Somerset Regional Water resources, LLC** (P.O. Box 190, Springville, PA 18844) on June 24,

2014, to construct and operate diesel fired internal combustion engines at their facility in Bridgewater Township, **Susquehanna County**.

**GP11-40-006: PPL Susquehanna LLC** (769 Salem Blvd, Berwick, PA 18603) on June 20, 2014, to construct and operate diesel fired internal combustion engines at their facility in Salem Township, **Luzerne County**.

**GP5-58-019: Williams Field Services Co., LLC** (2000 Commerce Drive, Pittsburg, PA 15275) on May 30, 2014, to construct and operate two (2) IC Engines, one (1) emergency generator, two (2) dehydrators, and one (1) condensate tank at the Jones Compressor Station site in Middletown Township, **Susquehanna County**.

**GP7-39-001: RR Donnelley Allentown** (700 Nestle Way, Suite 200, Breinigsville, PA 18031) on May 30, 2014 to install and operate one (1) sheetfed offset lithographic printing press in Upper Macungie Township, **Lehigh County**.

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

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

**GP9-43-357C: Grove City Materials, LP** (988 Harmony Road, Slippery Rock, PA 16057) on June 23, 2014, to operate one (1) compression ignition diesel fuel fired generator engine, Detroit Diesel, Model No. 6063TK33 rated 455 bhp at 1,800 rpm (BAQ-GPA/GP-9) located in Pine Township, **Mercer County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**46-0286: CSL Behring** (1020 First Avenue, King of Prussia, PA 19406) on June 18, 2014, to install (4) four emergency generators at their existing facility in King of Prussia. CSL Behring owns and operates a data center at this location in Upper Merion Township, **Montgomery County**. The company will use the generators to provide power during periods of power outages. Two of the generators are considered existing, and were previously exempt from plan approval requirements. The other two other generators are new. The Nitrogen Oxide emissions from these stationary engines will not exceed 10.25 tons per year. The Plan Approval also contains work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

**46-0288: Anderson Prints, LLC** (601 General Washington Avenue, Norristown, PA 19403) on June 18, 2014, to install two (2) rotary printing presses at a new facility in West Norriton Township, **Montgomery County**. The potential to emit Volatile Organic Compound (VOC) and Hazardous Air Pollutant (HAP) emissions is less than 25 tons per year VOC and any combination HAP and less than 10 tons per year any individual HAP; the facility is classified as a Synthetic Minor Facility. The plan ap-

proval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**35-00067A: Maid-Rite Specialty Foods LLC** (107 Keystone Industrial Park, PO Box 172 Dunmore, PA 18512-0172) on June 25, 2014, to install a cooking line with controls at their site in Scott Twp., **Lackawanna County**.

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

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

**06-05069V: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on June 17, 2014, for modifying the Industrial Facility production lines at their lead-acid battery assembly plant in Richmond Township, **Berks County**. Plan Approval 06-05069V is for installation and startup of pieces of equipment controlled by fabric filters and mist eliminators. The specific changes are proposed as follows:

1.) for dry pasting operations:

(a) Upgrade of Baghouse C29 (controlling part of Source 146 and formerly controlling Source 147) with a larger 60,000 CFM fan

(b) Move the existing C30 baghouse (formerly controlling Source 148) with a 60,000 CFM fan next to existing Baghouse C29 as a part of C29

(c) Install one new secondary HEPA filtration (C29A) designed for 120,000 CFM air flow for control of the combined exhaust of the resulting C29 ventilation system

(d) Install three new paste lines and three new paste operating hoods as a part of Source 146 controlled by C29

(e) Change the ventilation of the existing Source 147 equipment formerly controlled by C29 and instead control that equipment with new Baghouse/HEPA C147/C147A (see change 8 below)

(f) Change the ventilation of the existing Source 148 equipment formerly controlled by C30 and instead control that equipment with new Baghouse/HEPA C148/C148A (see change 9 below)

2.) for wet pasting operations:

Install three new paste mixers and three new flash dry ovens as a part of Source 146 and controlled by existing fabric filter C40 with secondary HEPA filtration (C40A)

3.) for gridcasting operations:

(a) Install two new gridcast machines as part of Source 143

(b) Install one new concast machine as part of Source 143

(c) Install one new stripcast/punchcast machine as part of Source 143

(d) Install one new baghouse (C39) with a secondary HEPA filter (C39A) to control these new machines and to control twelve existing uncontrolled gridcast machines

4.) for lead oxide receiving:

Install two new lead oxide receiving tanks as a part of Source 135 controlled by bin vent filters (C135) with secondary HEPA filters (C135A)

5.) for lead oxide storage:

Install three new lead oxide storage silos as a part of Source 144A controlled by bin vent filters (C26A) with secondary HEPA filters (C26AA)

6.) for heat sealing operations:

Install four new heat sealers as a part of Source 141 controlled by filter beds (C141) with secondary HEPA filters (C141A)

7.) for battery finishing operations:

(a) Install three new finishing lines as a part of Source 605 with fugitive emissions from hand painting batteries (Z605)

(b) Install one new spray paint booth as a part of Source 604 controlled by filter pads (C604)

(c) Install one 1.5 mmBtu/hr air make-up unit as an insignificant source

8.) for formation support operations:

(a) Install two new cassette loading machines as a part of Source 147

(b) Install six new dry-charge stacking stations as a part of Source 147

(c) Relocate two existing wrapping machines to be a part of Source 147

(d) Install one new wrapping machine as a part of Source 147

(e) Install one new 120,000 CFM baghouse (C147) with secondary HEPA filtration (C147A) to control the above items a through d

(f) Baghouse/HEPA C147/C147A will also control the existing Source 147 equipment formerly controlled by C29. This equipment consists of two dry charge stacking stations.

9.) for three process operations:

(a) Install two new COS machines as a part of Source 148

(b) Install two new assembly lines as a part of Source 148

(c) Install one new stacker machine as a part of Source 148

(d) Install one new 120,000 CFM baghouse (C148) with secondary HEPA filtration (C148A) to control items a through c

(e) Baghouse/HEPA C148/C148A will also control the existing Source 148 equipment formerly controlled by C30. The existing Source 148 equipment includes two automatic plate wrapping machines, two COS machines, three stacking machines, three assembly lines, one

wrapper/stacker, one hand-burning station and one hand-stacking/hand-burning workstation.

10.) for plate formation operations (Source 149):

(a) Decommission and remove two existing 32,000 CFM mist eliminators (part of C31)

(b) Decommission and remove three existing 16,000 CFM mist eliminators (part of C31)

(c) Decommission and remove 32 single rows of formation, 3,500 CFM each (part of C31)

(d) Install four new 63,000 CFM mist eliminators as a part of C31

(e) Install three new 42,000 CFM mist eliminators as a part of C31

(f) Install one new 48,000 CFM mist eliminator as a part of C31

(g) Install 81 single rows of formation evacuated by fans, 5,250 CFM each, exhausting through C31 mist eliminators

11.) for battery boosting operations (Source 150):

(a) Decommission and remove four existing 26,500 CFM mist eliminators (part of C33)

(b) Install four new 38,000 CFM mist eliminators as a part of C33

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

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

**GP5-58-019: Williams Field Services Co., LLC** (2000 Commerce Drive, Pittsburg, PA 15275) on May 30, 2014, to construct and operate two (2) IC Engines, one (1) emergency generator, two (2) dehydrators, and one (1) condensate tank at the Jones Compressor Station site in Middletown Township, **Susquehanna County**.

**GP7-39-001: RR Donnelley Allentown** (700 Nestle Way, Suite 200, Breinigsville, PA 18031) on May 30, 2014, to install and operate one (1) sheetfed offset lithographic printing press in Upper Macungie Township, **Lehigh County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0186E: Kinder Morgan Bulk Terminals** (1000 South Port Road, Fairless Hills, PA 19030) on May 23, 2014, for the facility's fertilizer transfer and storage area in Falls Township, **Bucks County**.

**46-0162C: Hammond Lead Products, Inc.** (10 South Grosstown Road, Pottstown, PA 19464) on June 18, 2014, to replace cartridge filters with baghouses in West Pottstown Township, **Montgomery County**.

**46-0020J: Superior Tube Company, Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on June 18,

2014, to increase the hydrogen fluoride (HF) emissions limit for the existing pickling and passivation operation in Lower Providence Township, **Montgomery County**.

**46-0281: Matheson Tri-Gas, Inc.** (150 Allen Road, Basking Ridge, Basking Ridge, NJ 07920) on June 18, 2014, for the thermal oxidizer in Upper Hanover Township, **Montgomery County**.

**46-0124A: Montgomery Chemicals, LLC.** (901 Conshohocken Road, Conshohocken, PA 19428) on June 18, 2014, for their scrubber system in Plymouth Township, **Montgomery County**.

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

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

**07-03061A: Altoona GTL, LLC** (10 Gilberton Road, Gilberton, PA 17934-0009) on June 19, 2014, to construct a facility that will utilize the Haldor Topsoe TIGAS (Topsoe Integrated Gasoline Synthesis) process to convert shale gas into gasoline and liquid propane gas (LPG) at the site in Allegheny and Blair Townships, **Blair County**. The NO<sub>x</sub> emissions generated from the operation of the convection reformers will be controlled through the use of Selective Catalytic Reduction (SCR). VOC emissions from the gasoline loading rack activities will be controlled by a vapor recovery system. Also, several flares will be used at the site to control VOC emissions generated from emergency venting and catalyst regeneration. The plan approval was extended.

**06-05040C: East Penn Manufacturing Co.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on June 17, 2014, to install two new dust collectors to ventilate the smelter building, and to install secondary HEPA filtration on their existing baghouse C04, which controls the Material Storage Room Ventilation, at the East Penn Manufacturing Smelter facility in Richmond Township, **Berks County**. The plan approval was extended.

**28-05048A: Wipro Enterprises, Inc.** (PO Box 371, 1101 Sheffler Drive, Chambersburg, PA 17201) on June 17, 2014, for a cylinder paint booth to be installed at WEI's new hydraulic cylinder manufacturing in Chambersburg Borough, **Franklin County**. The plan approval was extended.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**03-00246A: Bedrock Mines LP** (111 Freeport Road, Aspinwall, PA 15215-2943) on June 18, 2014, to extend the period of temporary operation for 180 for their Coal Blending Facility located in Plumcreek Township, **Armstrong County**. The Plan Approval has been extended.

**04-00471B: Marathon Petroleum Company LP** (539 South Main Street, Findlay, OH 45480) on June 18, 2014, to extend the period of temporary operation for 180 days of their Midland PA Terminal on Route 68 in Industry Borough, **Beaver County**. The Plan Approval has been extended.

**03-00257A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on June 19, 2014, to extend for an

18-month period in order to obtain approval from the Mining Department and commence construction at their TJS #7 deep mine located in Manor Township, **Armstrong County**. The Plan Approval has been extended.

**63-00965A: Rice Poseidon Midstream LLC** (171 Hillpointe Drive Suite 301, Canonsburg, PA 15317) on June 19, 2014, to extend the period of temporary operation for 180 days at their Twilight Compressor Station located in West Pike Run Township, **Washington County**. The plan approval has been extended.

**56-00257B: PA Department of Corrections** (P.O. Box 631, 5706 Glades Pike, Somerset, PA 15501) on June 24, 2014, to increase the formaldehyde emission limit on two landfill gas-fired engines in conjunction with a new combined operational hours limitation on the same engines authorized under plan approval PA-56-00257B at SCI Laurel Highlands located in Somerset Township, **Somerset County**. The plan approval has been extended.

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

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

**20-304A: Ernst Biomass LLC** (9006 Mercer Pike, Meadville, PA 16335) on June 20, 2014, effective June 30, 2014, will issue a plan approval extension for the construction of a wood and switchgrass pellet manufacturing plant at their facility in Union Township, **Crawford County**. The plan approval has been extended.

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00256: Horgan Recycling, Inc.** (2188 Detwiler Road, Harleysville, PA 19348) on June 25, 2014, for renewal of a State-Only Operating Permit for a concrete and asphalt crushing plant in Upper Gwynedd Township, **Montgomery County**. This Operating Permit contains all applicable state and federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00003: Monroe Energy LLC** (4101 Post Road, Trainer, PA 19061) on June 25, 2014, for renewal of the Title V Operating Permit in Trainer Borough, **Delaware County**. The initial permit was issued on February 24, 2003. The facility is a petroleum refinery. As a result of potential emissions of NO<sub>x</sub>, SO<sub>x</sub>, VOC, CO, PM, and HAP, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**67-05133: Separation Technologies** (1400 Wago Road, York Haven, PA 17370-8818) on June 20, 2014, for their fly ash processing plant associated with the Brunner Island electric generating station, in East Manchester Township, **York County**. The Title V permit was renewed.

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

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

**65-00378: Buckeye Terminals LLC** (134 BP Tank Lane, Greensburg, PA 15601) on June 24, 2014, issued the State Only Operating Permit for the operation of a bulk gasoline transfer terminal, known as the Greensburg Terminal, located in Hempfield Township, **Westmoreland County**.

The facility contains air contamination sources consisting of five gasoline storage tanks, with storage capacities of 306.6, 680.4, 693, 693, and 2,544.99 MGallons, one ethanol tank with a capacity of 7,300 bbl, three distillate storage tanks with capacities of 189, 189, and 348.6 MGallons, and gasoline and distillate tank truck loading racks. Gasoline loaded at the facility is limited to 173,200 MGallons per year and distillate loading is limited to 80,000 MGallons gallons per year.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, and 63 and PA Code Title 25, Article III, Chapters 121 through 145.

**32-00065: Specialty Tires of America, Inc.** (1600 Washington St., Indiana, PA 15701-2893) on April 30, 2014, DEP issued a renewal Title V Operating Permit to Specialty Tires of America, Inc. (STA) to operate their Indiana Plant located in Indiana Borough, **Indiana County**.

The main sources of emissions at the facility include one Steam Boiler, Undertread Cementing, Tread End Cementing, Green Tire Spraying, Other Solvent Usage, Jetzone Pellet Dryer, Banbury Mixers, Tire Buffers, Carbon Black Transfer Station, Eight (8) Parts Washers, and Plant Space Heaters.

The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, and PA Code Title 25, Article III, Chapters 121 through 145.

**65-00181: Chestnut Ridge Foam—Latrobe Plant** (443 Warehouse Drive P.O. Box 781, Latrobe, PA 15650-0781) on June 26, 2014, to issue a Title V Operating Permit renewal for the operation of a polyurethane foam sheet plant located in Derry Township, **Westmoreland County**. The subject facility consists of one 11.7 MMBtu Natural Gas fired boiler, one 10.0 MMBtu/hr natural gas-fired boiler, urethane foam dip coating line, foam fabrication line, lamination line, urethane line, glue tables and a polyurethane molder line. This facility is limited to 166 tons per year of VOC. In 2013, the facility reported their annual emissions as: 6.62 tons VOC, 3.04 tons NO<sub>x</sub>, 0.58 ton CO, 0.02 ton PM<sub>10</sub>, and 0.01 tpy

HAPs. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the TVOP have been derived from all applicable requirements.

**32-00157: Peoples TWP LLC** (205 N. Main St., Butler, PA 16001-4904) to issue a renewal Title V Operating Permit (TV-32-00157) to Peoples TWP LLC (Peoples TWP) to authorize the continued operation of the Kinter Compressor Station, located in Rayne Township, **Indiana County**.

The main sources of emissions at the facility include four 150 bhp Ingersoll-Rand model #XVG-4 compressor engines and two 225 bhp Ingersoll-Rand model #XVG-6 compressor engines. These are sources #101–106 in the permit. The station also operates a natural gas-fired emergency electric generator (Source #107) rated at 75 kW and 140 bhp and also accounts for facility fugitive emissions (Source #108).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, 63, and 70, and PA Code Title 25, Article III, Chapters 121 through 145.

**56-00262: Mostoller Landfill, Inc.** (7095 Glades Pike, Somerset, PA 15501) on June 26, 2014, for a Title V Operating Permit (TVOP-56-000262) renewal to Mostoller Landfill for the operation of Mostoller Landfill as a solid waste management facility located in Brothers valley and Somerset Township, **Somerset County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00189: Eureka Stone Quarry** (Route 611, Warrington, PA 18976) on June 18, 2014, for renewal of a State Only, Synthetic Minor Operating Permit in East Warrington Township, **Bucks County**. The company operates a quarrying and stone crushing operation at this site. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The renewed permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

**09-00180: White Engineering Surfaces Corp.** (1 Pheasant Run, Newtown, PA 18940) on June 26, 2014, to issue a State Only Operating Permit renewal to operate Eight (8) Metal and Ceramics Surface Coating Spray Booths with Dust Collectors and One (1) Vapor Degreaser in Newtown Township, **Bucks County**. The facility is synthetic minor for HAP, VOC and PM. This Operating Permit shall include monitoring, and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

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

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**54-00068: Pleasant Valley Homes, Inc.** (P.O. Box 88, Pine Grove, PA 17963) on June 18, 2014, to manufacture homes facility in Pine Grove Township, **Schuylkill County**. The primary sources consist of adhesives, sealant, and miscellaneous VOC use. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**54-00035: Tredegar Film Products Corp.** (30 Maple Avenue, Pottsville, PA 17901) on June 17, 2014, to manufacture unsupported plastics, film and sheet facility in Norwegian Township, **Schuylkill County**. The primary sources consist of fifteen (15) plastic extrusion lines. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**07-03018: Central PA Humane Society** (1837 East Pleasant Valley Blvd., Altoona, PA 16602-7348) on June 18, 2014, for their animal crematory facility in Logan Township, **Blair County**. The State-only permit was renewed.

**67-05135: BWAY Corporation** (599 Davies Drive, York, PA 17402-8630) on June 18, 2014, for their metal can manufacturing facility in Springettsbury Township, **York County**. The State-only permit was renewed.

**36-05062A: Manheim Auto Auction** (1190 Lancaster Road, Manheim, PA 17545-9746) on June 19, 2014, for their mobile equipment repair and refinishing operation in Penn Township, **Lancaster County**. The State-only permit was renewed.

**21-05010: NRG REMA LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on June 25, 2014, for the Mountain Electric Generating Station in South Middleton Township, **Cumberland County**. The State-only permit was renewed.

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

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

**26-00020: Hanson Aggregates BMC, Inc.—Rich Hill Quarry** (488 Rich Hill Quarry, Connellsville, PA 15425) on June 17, 2014, to issue the State Only Operating Permit renewal for the limestone quarry and associated stone crushing and sizing of crushed stone located Bullsken Township, **Fayette County**. The subject facility consists of five crushers, five screens, one feed bin, one sand classifier, twenty-one conveyors and eight small

diesel engines that have a combined horsepower of 300 hp. The process is controlled by various baghouses, wet dust suppression system, and a water truck for the haul roads and stockpiles. The facility is limited to a throughput of 4,992,000 tons per any consecutive 12-month period. The facility's potential emissions are calculated to be 29.02 tpy NO<sub>x</sub>, 6.25 tpy CO, 1.92 tpy SO<sub>x</sub>, 2.31 tpy VOC, 1.1 tpy HAPs, 78.21 tpy PM, and 26.2 tpy PM<sub>10</sub>. The facility is required to perform daily visual inspections of the site. The proposed authorization is subject to State and Federal Regulations (OOO). The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

**56-00299: Hoover Conveyor and Fabrication Corp.** (262 Industrial Park Road, PO Box 179 PA 15613) on June 17, 2014, for a State Only Operating Permit (SOOP) renewal to Hoover Conveyor and Fabrication Corporation to authorize the continued operation of their Meyersdale facility in Meyersdale Borough, **Somerset County**.

**26-00057: Matt Canestrale Contracting, Inc.—Labelle Site** (1035 Labelle Rd, La Belle, PA 15450) on June 24, 2014, issued a State Only Operating Permit renewal for the operation of a barge unloading and transferring operation to support the reclamation area on top of the hill adjacent to the unloading/loading area in Luzerne Township, **Fayette County**. Coal ash and FGD sludge are being used as a capping material on the coal refuse pile to reduce infiltration and to provide a buttress for long-term stability.

The subject facility consists of two docks for barge unloading, two excavators each with a clamshell and an area for truck/rail transshipping with front loaders. One dock/ excavator is considered primary, but both docks can be used at the same time. The rate of unloading the barges is limited by the number of trucks available. Barges are unloaded and material is transported to the reclamation area on the hill behind the barge unloading area. The trucks transporting the material cross one public road from the barge unloading area to reclamation area. The facility provided potential emission calculations based on 416,000 tons of material handled per 12 month period and AP-42 Emission Factors. Operating approximately ten hours a day and five days a week, the potential emissions are calculated to be 23.9 tons per year PM<sub>10</sub>. This includes the potential emissions from transferring material from barge to truck, haul roads, truck unloading, wind erosion and bulldozing.

The permit includes operational requirements, monitoring requirements, and recordkeeping requirements as follows:

1. The Owner/Operator shall test the moisture content of each material received on barge at least once per week. Records of the sample tests results shall be maintained in a log on-site for a minimum of five years and submitted to the Department on a quarterly basis. The Owner/Operator may request a reduction in the frequency of the moisture content sample testing, in writing, provided there are no observations by the Department of any inconsistent test samples from the previous six month period.

2. The Owner/Operator shall conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2 and 123.31. If any fugitive emissions or malodors in

violation of §§ 123.1, 123.2 or 123.31 are apparent, the permittee shall take immediate corrective action to eliminate them.

3. The Owner/Operator shall maintain a daily record of all fugitive emission and odor surveys performed. The records shall include the date, time, name and title of the observer, whether fugitive emissions or malodors were observed and any corrective action. Records shall be kept on-site for a minimum of five years and submitted to the Department on a quarterly basis.

4. The Owner/Operator shall maintain a daily log of material delivered to the facility, inventory on hand, and material shipped from the facility.

5. The facility shall not accept more than 416,000 tons of material in any consecutive 12-month period.

6. The Owner/Operator shall operate and maintain all sources at this facility in accordance with 25 Pa. Code § 127.444.

7. All trucks carrying material with a moisture content of less than 5 percent by weight are required to be tarped.

8. Before accepting material from a source that has not previously been received and approved for handling at the MCC / Labelle Site, the Owner/Operator shall notify the Department in writing at least 15 days in advance. The Department shall determine the suitability of MCC/Labelle Site handling the material based on the Department's evaluation.

9. The drop height from the front-end loaders and clamshell buckets being used to transfer and load material into trucks shall be kept as short as possible to minimize fugitive emissions.

10. The facility shall not handle materials with a moisture content of less than 5 percent by weight under excessively windy conditions, where the force of the wind contributed to the generation of fugitive dust.

11. All unpaved in-plant roads shall be watered on a preventative basis. Other methods of dust control must be used when the weather conditions make the watering of unpaved roads hazardous.

12. All in-plant roads shall be maintained to prevent particulate matter from becoming airborne in accordance with 25 Pa Code §§ 123.1 and 123.2

13. A set vehicle pattern shall be established and maintained for vehicles entering and exiting the facility.

14. In accordance with 25 Pa. Code § 123.1(c), the Owner/Operator shall promptly remove earth or other material from paved roads.

15. An operable water truck must be maintained on-site at all times.

16. All trucks shall be handled in such a way to minimize tracking material onto the public road.

17. The Department may require additional controls (water sprayers, paving, conveyor covers, etc.) based on evaluation of the operation after inspection and determination that existing controls are not adequate for controlling fugitive emissions.

**30-00112: Equitrans, LP** (EQT Plaza, 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) on June 25, 2014, issued a renewal Natural Minor State Only operating

permit for the operation of two stationary reciprocating internal combustion compressor engines, an emergency generator engine, and a parts washer at the Mt. Morris Compressor Station in Dunkard Township, **Greene County**. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**32-00316: Equitrans, LP** (EQT Plaza, 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) on June 25, 2014, issued a renewal Natural Minor State Only operating permit for the operation of two Waukesha model #L-7042GSI, 1470 bhp natural gas-fired stationary reciprocating internal combustion compressor engines equipped with oxidation catalysts, a parts washer, and a 1,000 gallon condensate storage tank at the Pennview Compressor Station in West Wheatfield Township, **Indiana County**. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**04-00400: Columbia Gas Transmission** (1700 MacCorkle Ave SE, PO Box 1273, Charleston, WV, 25325-1273) on June 25, 2014, issued a renewal Synthetic Minor State Only operating permit for the operation of two Clark model #RA-5, 500 bhp natural gas-fired stationary reciprocating internal combustion compressor engines, a LeRoi model #RXI5, 125 bhp emergency generator, four indirect-fired heaters, one heating system boiler, an odorant flare, and four storage tanks. The facility is subject to the applicable requirements of Pa. Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**04-00067: Harsco Metals** (300 Seven Fields Blvd., Seven Fields, PA 16046) on June 25, 2014, to issue a State Only Operating Permit Renewal to authorize the continued operation of an existing Steel Slag Processing Plant known as the Midland Site, located in Midland Borough, **Beaver County**.

**04-00682: Harsco Metals** (300 Seven Fields Blvd., Seven Fields, PA 16046) on June 25, 2014, to issue a State Only Operating Permit Renewal to authorize the continued operation of an existing Steel Slag Processing Plant known as Plant #53-Koppel, in Koppel Borough, **Beaver County**.

**65-00909: Harsco Metals** (300 Seven Fields Boulevard, Seven Fields, PA 16046) on June 25, 2014, issued a State Only Operating Permit Renewal to authorize the continued operation of an existing Steel Slag Processing Plant known as Plant No. 56, in Derry Township, **Westmoreland County**.

**63-00631: Columbia Gas Transmission** (1700 MacCorkle Ave SE, PO Box 1273, Charleston, WV, 25314) on June 26, 2014, issued a renewal Natural Minor State Only operating permit for the operation of two Ingersoll-Rand model #36 KVS, 1,240 bhp natural gas-fired stationary reciprocating internal combustion compressor engines, a LeRoi model #RXIS 135 bhp emergency generator, a 2.0 mmbtu/hr heating system boiler, two indirect fired line heaters, an odorant flare, and five storage tanks at the Donegal Compressor Station in Donegal Township, **Washington County**. The facility is subject to the applicable

requirements of Pa. Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**11-00252: C&C Smith Lumber Company** (197 Tower Road, Summerhill, PA 15958) on June 26, 2014, issued the State Only Operating Permit for the operation of a lumber mill, known as the Wood Pellets Plant, located in Croyle Township, **Cambria County**.

The facility contains air contamination sources consisting of two, 13 MMBtu/hr, wood-fired boilers, one, 1.9 MMBtu/hr. wood-fired boiler, one, 45 MMBtu/hr, wood-fired rotary dryer, two pellet machines, a glue room with two paint booths, and a woodworking shop. Dust settling controls particulate emissions from the boilers. A multiclone controls particulate emissions from the rotary dryer. Particulate emissions from the wood working shop, glue room, and the pellet machines are controlled by baghouses. Facility emissions are 70.1 tons per year of PM<sub>10</sub>, 7.9 tons per year of VOC, 69.8 tons per year of CO, 61.2 tons per year of NO<sub>x</sub>, and 8.0 tons per year of SO<sub>2</sub>.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 63 and PA Code Title 25, Article III, Chapters 121 through 145.

**65-00912: Babcock Lumber** (2220 Palmer Street, Pittsburgh, PA 15218) On June 25, 2014, the Department issued the State Only Operating Permit for the operation of a lumber mill, known as the Champion Facility, located in Donegal Township, **Westmoreland County**.

The facility contains air contamination sources consisting of one 12.87 MMBtu/hr, wood fired boiler, one 5.2 MMBtu/hr., No. 2 fuel oil-fired, backup boiler, one, No. 2 fuel oil-fired 1 MMBtu/hr., dimension mill heater, a dimension mill, and a spindle heater. A multiclone on the wood-fired boiler and fabric collectors on the dimension mill and spindle area control particulate emissions.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 63 and PA Code Title 25, Article III, Chapters 121 through 145.

**65-00711: Airtek, Inc.** (P.O. Box 466, Irwin, PA 15642) On June 25, 2014, issued the State Only Operating Permit for the operation of an industrial component manufacturing plant, known as the North Huntington Facility, located in North Huntington Township, **Westmoreland County**.

The facility contains air contamination sources consisting of one heat cleaning oven. An afterburner controls emissions of VOC, particulate, and CO.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of Pa. Code Title 25, Article III, Chapters 121 through 145.

**04-00704: Buckeye Pipeline Co. LP** (Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031) on June 24, 2014, issued the State Only Operating Permit for the operation of a bulk distillate oil breakout station,



known as the Midland Breakout Station, located in Industry Borough, **Beaver County**.

The facility contains an air contamination source consisting of one distillate oil storage tank, with a storage capacity of 2.814 MMGallons.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, and 63 and PA Code Title 25, Article III, Chapters 121 through 145.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**33-00185: Columbia Gas Transmission, LLC—Iowa Compressor Station** (1700 MacCorkle Avenue SE, Charleston, WV 25325) on June 16, 2014, issued a Natural Minor Operating Permit to this natural gas compressor station located in Pine Creek Township, **Jefferson County**. The facility's primary emissions are two (2) Compressor Engines used to move natural gas through the distribution system.

This compressor station was constructed under Plan Approval Number 33-0185A which was issued on January 6, 2012. The applicable requirements from that plan approval have been incorporated into this operating permit.

The Compressor Engines (Source IDs: 101 and 102) at this facility are subject to the newly promulgated requirements of 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The latest revisions of that subpart have been listed in the operating permit.

The potential emissions from this facility are as follows. (All values are in tons/year.) PM—0.74, PM<sub>10</sub>/PM<sub>2.5</sub>—0.74, SO<sub>x</sub>—0.04, NO<sub>x</sub>—33.3, VOC—2.0, CO—2.68, CO<sub>2</sub>—10,740, Formaldehyde—0.46, Other HAPs—0.28, and Total HAPs—0.74.

**42-00215: Kane Area School District—Kane Area High School** (400 West Hemlock Avenue, Kane, PA 16735-1644) on June 19, 2014, re-issued a Natural Minor Operating Permit for this educational facility located in Wetmore Township, **McKean County**. The facility's primary emissions are from a Wood Fired Boiler and (4) Natural Gas Fired Boilers used to provide comfort heat and hot water to the school. There is also an Emergency Power Generator to provide limited power in the event of a power outage.

The Wood Fired Boiler at this facility is subject to the requirements of 40 CFR 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers at Area Sources. These standards will be met by performing periodic tune-ups of the boiler and maintaining and operating the source according to the manufacturer's specification.

The potential emissions from this facility, if all boilers were operated year round, are as follows. SO<sub>x</sub> = 1.0 tons per year (TPY), Particulate Matter = 7.7 TPY, NO<sub>x</sub> = 17.0 TPY, VOC = 1.0 TPY, CO = 23.0 TPY, Total HAPs = <1.0 TPY.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00187: Sims Metal East, LLC.** (300 S Steel Rd, Morrisville, PA 19067-3614) on June 18, 2014, for operation of their metal recycling facility in Falls Township, **Bucks County**. The permit amendment is to address a typographical error in the name of the facility. Administrative Amendment and modification of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.450 and 127.461.

**46-00005: Merck & Co.** (770 Sumneytown Pike, West Point, PA 19486-0004) on June 18, 2014, to incorporate plan approval 46-0005AH (VOC emission increase in Sources 107 and 108); changed Source 740 from a peak shaving generator to a non-peak generator; remove references to sources that have been permanently shut-down (B69D-1 generator, B38-3 generator, Boiler #4, B38 Process Rooms, and B69 SD3A storage tank); clarify catalyst temperature required under 40 CFR 63, Subpart ZZZZ; rename Source 759 from B70-1 to B38-7 due to a change of location; create a new general stack testing condition; and correct several typographical errors. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.450 and 127.462 in Upper Gwynedd Township, **Montgomery County**.

**23-00038: Delaware County Regional Water Quality Control Authority—DELCORA** (P.O. Box 999, Chester, PA 19016) on June 26, 2014, for a minor modification to the Title V Operating Permit for the Western Regional Treatment Plant in the City of Chester, **Delaware County**. The minor modification to the Operating Permit removes the heat release limit for each of two (2) sewage sludge incinerators, which the company demonstrated not be a significant factor in determining emissions from the units. This modified Title V Operating Permit also corrects the NO<sub>x</sub> emission limits for each incinerator to 15.0 lb/hr and 65.7 tons per 12 month rolling period as incorporated in the December 15, 2000 NO<sub>x</sub> RACT State Implementation Plan (SIP) pursuant to 40 CFR 52.2020(c)(143)(i)(B)(2). No emission limits are increased in the modified Operating Permit.

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

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

**67-05055: Ardent Mills, LLC** (321 Taylor Avenue, Red Lion, PA 17356-2211) on June 16, 2014, for their flour milling facility in Red Lion Borough, **York County**. The State-only permit was administratively amended to reflect a change of ownership.

**36-03098: Steel Fab Enterprises, LLC** (625 Baumgardner Road, Lancaster, PA 17603-9649) on June 23, 2014, for their steel fabrication facility in Pequea

Township, **Lancaster County**. The State-only permit was administratively amended to reflect a change of ownership.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**30-00094: Texas Eastern Transmission, L.P.** (PO Box 1642, Houston TX 77251-1642). Per 25 Pa Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Texas Eastern Transmission, L.P. Waynesburg Compressor Station located in Franklin Township, **Greene County**.

The project consists of the construction of two Measurement and Regulating (M&R) Stations 70009 & 70037 at the above referenced facility. The potential to emit from a single source will not exceed 1.0 tpy VOC, 0.5 tpy of a single HAP, and 1.0 tpy combined HAP; the authorized de minimis emissions over the term of the permit will not exceed 5.0 tpy VOC; any actual emission increase will be included in the annual emission inventory; and this project will not trigger the requirements of 25 PA Code Subchapter E, 25 Pa. Code Subchapter G, or 40 CFR Part 52 at the facility.

The list of de minimis increases at this facility includes only this project.

**30-00077: Texas Eastern Transmission, L.P.** (PO Box 1642, Houston TX 77251-1642). Per 25 Pa Code Section 127.449(i), this Notice is for the following de minimis emission increases at the Texas Eastern Transmission, L.P. Holbrook Compressor Station located in Richhill Township, **Greene County**.

The project consists of the modification of two previously authorized projects to install new and modify existing piping and valves. Authorized de minimis emissions over the term of the permit do not exceed 1.0 tpy VOC from a single source; authorized de minimis emissions over the term of the permit total 4.66 tpy VOC; any actual emission increase will be included in the annual emission inventory; and this project will not trigger the requirements of 25 Pa. Code Subchapter E or 40 CFR Part 52 at the facility

The list of de minimis increases at this facility is as follows:

October 2013	Installation of new piping components/physical change to existing piping components.
November 2013	Backhaul Project.
March 2014	South Expansion Project.
March 2014	U2GC Valve & Piping Components.
June 2014	Modification of South Expansion Project/ U2GC Valve & Piping Components.

**04-00033: NOVA Chemicals** (400 Frankfort Road, Monaca, PA 15061) Per 25 Pa Code Section 127.449(i), this Notice is for the following de minimis emission increase at the NOVA Chemicals facility located in Potter Township, **Beaver County**.

For a study to minimize bag ballooning. VOC emissions from this project will not exceed 0.8 ton; there will be no HAP emissions as a result of this project; and this project will not trigger the requirements of 25 Pa. Code Subchapter E or 40 CFR Part 52

The list of de minimis increases includes the following:

- 2014—Styrene Truck Venting
- June 2014—Bag Ballooning Study

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

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

**25-00970: Wire Weld Inc.** (12069 East Main Road, North East, PA 16428) at their facility in North East Township, **Erie County**. The authorized De minimis emission increase concerns the replacement of a single heat assisted evaporative unit (NG) with two new units, one natural gas fired and one electrically powered. The sources are used to evaporate wastewater containing acids and VOCs. The facility currently operates under SOOP 25-00970.

These sources are exempt from plan approval as they comply with 25 Pa. Code § 127.449. The Department hereby approves the De minimis emission increases. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This is the first De minimis emission increase which has occurred since their current State Only Operating Permit (10-00287) was renewed on June 3rd, 2014.

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
06/17/2014	(Current) Replacement of Single Evaporator w/ NG and Electric Unit	.03	0.002	0.07	0.30	0.06
		-	-	-	-	-
Total Reported Increases		.03	0.002	0.07	0.30	0.06
Allowable		0.6 tons/source				

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**43-00314: VEC Technology LLC** (639 Keystone Road, Greenville, PA 16125) for the boat building and repairing facility located in Greenville Borough, **Mercer County**. This Title V permit was revoked on June 26, 2014 because the facility closed operations at the site in April 2014 and the facility requested the permit be cancelled.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

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

**Permit No. 07100101 and NPDES No. PA0262943. Heritage Mining Co., Inc.**, P.O. Box 126, Cresson, PA 16630, revision of an existing bituminous surface mine to increase the surface mining permit boundary by 17.0 acres, strictly for support activities, in Logan and Galitzin Townships, **Blair and Cambria Counties**, affecting 116.0 acres. Receiving streams: Kittanning Run Classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 10, 2014. Permit Issued: June 16, 2014.

**Permit No. 32130101 and NPDES No. PA0269271. KMP Associates, Inc.**, 3756 State Route 981, Saltsburg, PA 15681, commencement, operation and restoration of a bituminous surface and auger mine in Conemaugh and Young Townships, **Indiana County**, affecting 37.0 acres. Receiving streams: unnamed tributaries to/and Big Run to Blacklegs Creek to Kiskiminetas River, classified for the following use: Cold Water Fishery; Warm Water Fishery. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport, PA. Application received: October 22, 2013. Permit Issued: June 16, 2014.

**Permit Number 32950104 and NPDES No. PA0213055. Big Mack Leasing Company, Inc.**, R.D. #6 Box 231, Kittanning, PA 16201, renewal for the continued operation and restoration of a bituminous surface mine in

Young Township, **Indiana County**, affecting 69.2 acres. Receiving streams: unnamed tributary to/and Whisky Run to Blacklegs Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 16, 2010. Permit Issued: June 17, 2014.

**Permit No. 07920101 and NPDES No. PA0599581. E.P. Bender Coal Co., Inc.**, P.O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Allegheny Township, **Blair County** affecting 474 acres. Receiving streams: unnamed tributary to/and Sugar Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application Received: February 3, 2014. Permit Issued: June 18, 2014.

**Permit No. 32030103 and NPDES No. PA0249416. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 175.6 acres. Receiving streams: Tearing Run to Two Lick Creek to Black Lick Creek to Conemaugh River classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 29, 2013. Permit Issued: June 19, 2014.

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

**30793024 and NPDES Permit No. PA117650. Beazer East, Inc.** (c/o Three Rivers Management, Inc., Manor Oak One, Suite 200, 1910 Cochran Road, Pittsburgh, PA 15220). Revision permit issued for conversion of active to passive treatment for discharge and a road and stream variance at a reclaimed bituminous surface mine, located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: unnamed tributary to South Fork of Ten Mile Creek and South Fork of Ten Mile Creek. Application received: November 22, 2013. Permit issued: June 20, 2014.

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

**Permit No. 54100201. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), commencement, operation and restoration of an anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in Blythe Township, **Schuylkill County** affecting 86.5 acres, receiving stream: Schuylkill River. Application received: March 30, 2010. Permit issued: June 26, 2014.

**Permit No. 54100201GP104. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54100201 in Blythe Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: October 26, 2012. Permit issued: June 26, 2014.

**Permit No. 54-305-015GP12. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54100201 in Blythe Township, **Schuylkill County**. Application received: March 30, 2010. Permit issued: June 26, 2014.

*Noncoal Permits Issued*

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

**26080801. Windy Hills Farms, Inc.** (380 Windy Hill Road, New Salem, PA 15468). Final bond release for a small noncoal mining operation in German Township, **Fayette County**. Restoration of 4 acres completed. Receiving streams: unnamed tributary to Lilly Run to Dunlap Creek (WWF). Application received: June 16, 2014. Final bond release approved June 25, 2014.

**03912301. Thomas J. White** (3579 State Route 156, Avonmore, PA 15618). Final bond release for a small noncoal mining operation in Kiskiminetas Township, **Armstrong County**. Restoration of 3 acres completed. Receiving stream: unnamed tributary to Long Run. Application received: April 28, 2014. Final bond release approved: June 25, 2014.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

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

**30144001. Energy Corporation of America** (501 56th Street SE, Charleston, WV 25304). Blasting activity permit for the construction of the SGL 223 Well Pad, located in Whiteley Township, **Greene County** with an exploration date of July 1, 2015. Blasting permit issued: June 23, 2014.

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

**59144103. M & J Explosives**, (P. O. Box 1248, Carlisle, PA 17013). Blasting for well pad and road located in Richmond Township, **Tioga County** with an expiration date of June 17, 2015. Permit issued June 20, 2014.

**08145101. John H. Brainard** (3978 SR 2073, Kingsley, PA 18826). Blasting activity permit by rule for well fracking located in Leroy Township, **Bradford County** with an expiration date of June 30, 2014. Permit issued June 23, 2014.

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

**Permit No. 39414101. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lehigh Hills in Upper Macungie Township, **Lehigh County** with an expiration date of June 16, 2015. Permit issued: June 24, 2014.

**Permit No. 39144102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of July 31, 2015. Permit issued: June 24, 2014.

**Permit No. 46144106. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Montgomery Township Recreation Center in Montgomery Township, **Montgomery County** with an expiration date of June 30, 2015. Permit issued: June 24, 2014.

**Permit No. 46144107. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Springfield Manor in Springfield Township, **Montgomery County** with an expiration date of June 19, 2015. Permit issued: June 24, 2014.

**Permit No. 58144141. Douglas Explosives, Inc.**, (PO Box 77, Philipsburg, PA 16866), construction blasting for Holloman UGI Pipeline in Auburn Township, **Susquehanna County** with an expiration date of June 17, 2015. Permit issued: June 24, 2014.

**Permit No. 15144108. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for The Preserves at Hide A Way Farms in West Brandywine and East Brandywine Townships, **Chester County** with an expiration date of June 13, 2015. Permit issued: June 25, 2014.

**Permit No. 36144129. Abel Construction Co., Inc.**, (PO Box 476, Mountville, PA 17554), construction blasting for Southern Village in Lancaster Township, **Lancaster County** with an expiration date of June 30, 2015. Permit issued: June 25, 2014.

**Permit No. 15144001. Explo-Craft, Inc.**, (PO Box 1332, West Chester, PA 19380), construction blasting for 314 Winfield Drive in Easttown Township, **Chester County** with an expiration date of July 1, 2015. Permit issued: June 26, 2014.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19382, Telephone 484-250-5900.*

**EA15-005. Brandywine Valley Association**, 1760 Unionville-Wawaset Road, West Chester, PA 19382, Parkesburg Borough, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities along Little Buck Run (Perennial, TSF-MF) and its unnamed tributary:

- 1) To realign, stabilize and maintain approximately 2000 linear feet of stream channel and to enhance the floodplain grading along Little Buck Run.
- 2) To install and maintain fish habitat structures.
- 3) To realign, stabilize and maintain approximately 300 linear feet of stream channel along an unnamed tributary to little Buck Run.

The site is located approximately 500 feet southeast of the intersection of Gorgas Lane and Henry Avenue (Latitude 39.956883N; Longitude -75.909712W).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E05-375: Bedford Joint Municipal Authority**, PO Box 148, Bedford, PA 15522 in Bedford Township and Bedford Borough, **Bedford County**, U.S. Army Corps of Engineers Baltimore District

To construct a 5,900' long, 10' wide pedestrian trail with two new single span, prefabricated truss bridges on reinforced concrete abutments and wingwalls constructed over Shober's Run (CWF, MF, HQ) for the purpose of connecting an existing trail loop in the Borough of Bedford to the Bedford Springs Country Club. The bridge farthest upstream will have a normal clear span of 72' on a 90 degree skew with the channel and with a minimum underclearance of 5.67'. The downstream bridge will have a normal clear span of 87' on a 90 degree skew with the channel and with a minimum underclearance of 5.44'. The project will permanently impact 0.0011 acre (50 square feet) of Palustrine Emergent wetlands. The amount of wetland impact is considered a deminimus impact and wetland mitigation is not required. The project is located between Bedford Springs Country Club and the Borough of Bedford adjacent to SR 4009 in Bedford Township and Bedford Borough, Bedford County

(Bedford, PA Quadrangle, Latitude: 39° 59' 49", Longitude: -78° 30' 09"). The permit was issued effective June 25, 2014.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E41-652. Plunketts Creek Township—Dunwoody Road**, 179 Dunwoody Road, Williamsport, PA 17701-8355. Dunwoody Road Rehabilitation Project in Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District (Hills Grove, PA Quadrangle Lat: 41° 22' 35"; Long: -76° 45' 13").

To restore, construct and maintain Dunwoody Road in Plunketts Creek Township—Lycoming County, which is located over Bear Creek. The previous roadway and structures were destroyed during Tropical Storm Lee in September 2011. The road has been closed as a result of the damage. The scope of the repairs is to reconstruct the road with generally the same geometry horizontal and vertical cross sections.

The restoration project will consist of a combination of bank grading, stabilization & armoring, channel relocation and culvert replacements of Bear Creek. The total estimated stream impacts for the project are approximately 14,674 ft<sup>2</sup> of permanent and 10,649 ft<sup>2</sup> of temporary. The total estimated wetland impacts for the project are approximately 871 ft<sup>2</sup> of permanent and 1,307 ft<sup>2</sup> of temporary. The proposed rehabilitation will not permanently impact cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. Bear Creek is classified with a designated use of High Quality—Cold Water Fishery (HQ-CWF) and with an existing use of Exceptional Value (EV).

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5829-068. Gibson and Harford Townships, Williams Field Services Company, LLC**; Park Place Corporate Center 2, 2000 Commerce Park Drive, Pittsburgh, PA 15275; Gibson and Harford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

- 1) a 16-inch diameter natural gas pipeline and a temporary timber bridge crossing impacting 69 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 47' 27" Lat., W -75° 39' 58" Long.),
- 2) a 16-inch diameter natural gas pipeline and a temporary timber bridge crossing impacting 61 linear feet of Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 47' 7" Lat., W -75° 39' 33" Long.),
- 3) a 16-inch diameter natural gas pipeline and a temporary timber bridge crossing impacting 67 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 54" Lat., W - 75° 39' 14" Long.),
- 4) a temporary timber mat crossing impacting 3,025 square feet (0.07 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 47' 13" Lat., W -75° 39' 40" Long.),
- 5) a 16-inch diameter natural gas pipeline and a temporary timber mat crossing impacting 15,920 square feet (0.37 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 47' 07" Lat., W -75° 39' 34" Long.).

The project consists of constructing approximately 12,330 lineal feet (2.34 miles) of 16" natural gas gathering line, within a maintained 75 foot permanent right of way located in Gibson Township, Susquehanna County. The project will result in 197 lineal feet of temporary stream impacts and 0.43 acre of temporary emergent wetland impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E5829-063. Apolacon and Choconut Townships, Talisman Energy USA, Inc.;** 337 Daniel Zenker Drive, Horseheads, NY 14845; Apolacon and Choconut Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 18,274 square feet (0.42 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 06" Lat., W -76° 04' 00" Long.),

2) a 12-inch diameter natural gas pipeline and one 6-inch waterline crossing impacting 248 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 14" Lat., W -76° 03' 53" Long.),

3) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 471 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 03' 56" Long.),

4) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 4,223 square feet (0.10 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 05" Long.),

5) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 6,156 square feet (0.14 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 10" Long.),

6) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 3,338 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 20" Long.),

7) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 3,323 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 23" Long.),

8) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,615 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 24" Long.),

9) a one timber structure crossing impacting 367 square feet (0.01 acre) of palustrine forested wetland (PFO) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 24" Long.),

10) a timber structure crossing impacting 160 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 37" Lat., W -76° 04' 28" Long.),

11) a 12-inch diameter natural gas pipeline and one 6-inch waterline crossing impacting 407 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 38" Lat., W -76° 04' 29" Long.),

12) a 12-inch diameter natural gas pipeline and one 6-inch waterline crossing impacting 199 square feet (0.01 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 57' 38" Lat., W -76° 04' 29" Long.),

13) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,844 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 37" Lat., W -76° 04' 33" Long.),

14) a 12-inch diameter natural gas pipeline and one 6-inch waterline crossing impacting 1,981 square feet (0.05 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 47" Lat., W -76° 05' 01" Long.),

15) a timber structure crossing impacting 914 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 48" Lat., W -76° 05' 02" Long.),

16) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 674 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 53" Lat., W -76° 05' 04" Long.),

17) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 2,279 square feet (0.05 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 57' 53" Lat., W -76° 05' 04" Long.),

18) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,742 square feet (0.04 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 57' 56" Lat., W -76° 05' 07" Long.),

19) a timber structure crossing impacting 645 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 58' 05" Lat., W -76° 05' 14" Long.),

20) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 368 square feet (0.01 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 58' 05" Lat., W -76° 05' 14" Long.),

21) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,757 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 58' 06" Lat., W -76° 05' 15" Long.),

22) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 621 square feet (0.01 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 58' 06" Lat., W -76° 05' 15" Long.),

23) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 967 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 43" Lat., W -76° 03' 23" Long.),

24) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 3,008 square feet (0.07 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 03' 32" Long.),

25) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 75

lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 07" Lat., W -76° 03' 59" Long.),

26) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 71 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 03' 56" Long.),

27) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 120 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W -76° 04' 13" Long.),

28) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 67 lineal feet of Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 37" Lat., W -76° 04' 29" Long.),

29) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 96 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 57" Lat., W -76° 05' 07" Long.),

30) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 72 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 57" Lat., W -76° 05' 08" Long.),

31) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 70 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 59" Lat., W -76° 05' 12" Long.),

32) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 124 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 58' 02" Lat., W -76° 05' 14" Long.),

33) a 12-inch diameter natural gas pipeline and one 6-inch waterline crossing impacting 102 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 58' 04" Lat., W -76° 05' 14" Long.),

34) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 78 lineal feet of an unnamed tributary to Choconut Creek (WWF) (Friendsville, PA Quadrangle; N 41° 57' 44" Lat., W -76° 03' 21" Long.).

The project consists of constructing approximately 3.57 miles of 12" steel natural gas gathering line and a 6" flex-steel waterline connecting the three well sites located in Apolacon and Choconut Townships, Susquehanna County. The project will result in 875 lineal feet of temporary stream impacts, 5,576 square feet (0.13 acre) of wetland conversion impacts, and 50,005 square feet (1.15 acres) of temporary wetland impacts, all for the purpose of conveyance of Marcellus Shale natural gas to market.

**E5829-064. Apolacon Township Talisman Energy USA, Inc.;** 337 Daniel Zenker Drive, Horseheads, NY 14845; Apolacon Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. One 20 inch diameter and one 16 inch diameter gas pipeline, one 6 inch diameter waterline, and a timber mat

bridge crossing impacting 65 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 49" N; -76° 04' 21" W),

2. One 20 inch diameter and one 16 inch diameter gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 93 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 33" N; -76° 04' 51" W),

3. One 20 inch diameter and one 16 inch diameter gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 379 square feet (0.01 acre) of a palustrine forested wetland (PFO) (Friendsville, PA Quadrangle: 41° 58' 49" N; -76° 04' 21" W),

4. One 20 inch diameter and one 16 inch diameter gas pipeline and one 6 inch diameter waterline crossing impacting 551 square feet (0.01 acre) of a palustrine forested wetland (PFO) (Friendsville, PA Quadrangle: 41° 58' 24" N; -76° 05' 00" W),

5. One 20 inch diameter and one 16 inch diameter gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 1,147 square feet (0.03 acre) of a palustrine forested wetland (PFO) (Friendsville, PA Quadrangle: 41° 58' 24" N; -76° 05' 01" W),

6. One 20 inch diameter and one 16 inch diameter gas pipeline and one 6 inch diameter waterline crossing impacting 51 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 24" N; -76° 05' 00" W),

7. a timber mat bridge temporary crossing impacting 75 square feet (0.01 acre) of a palustrine forested wetland (PFO) (Friendsville, PA Quadrangle: 41° 58' 21" N; -76° 05' 07" W),

8. One 20 inch diameter and one 16 inch diameter gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 1,680 square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 21" N; -76° 05' 10" W).

The project consists of constructing approximately 1.68 miles of 20" and 16" steel natural gas gathering line and a 6" waterline connecting a well site located in Apolacon Township, Susquehanna County. The project will result in 209 lineal feet of temporary stream impacts, 2,153 square feet (0.05 acre) of wetland conversion impacts, and 1,680 square feet (0.04 acre) of temporary wetland impacts, all for the purpose of conveyance of Marcellus Shale natural gas to market.

**E0829-083: Appalachia Midstream, LLC,** 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 685 square feet of a Palustrine Emergent Wetland (EV) and impacting 9,929 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°36'30", Longitude: -76°35'12");

The project will result in 10,614 square feet (0.24 acre) of PEM and PSS wetlands all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County.

**E0829-078: Appalachia Midstream, LLC,** 100 IST Center, Horseheads, NY 14845, Albany Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. an 8 inch diameter natural gas line and a temporary timber mat bridge impacting 193 linear feet of Ladds Creek (CWF, MF) and impacting 9,478 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°35'46", Longitude: -76°28'11");

The project will result in 193 linear feet or 1,939 square feet of temporary stream impacts and 9,478 square feet (0.22 acre) of PSS wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Albany Township, Bradford County.

**E5929-039: PVR Marcellus Gas Gathering, LLC.**, 101 West Third Street, Williamsport, PA 17701, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge, a 24 inch diameter natural gas gathering line, and a 12 inch diameter water line impacting 84 linear feet of an unnamed tributary to Salt Spring Run (EV) (Liberty, PA Quadrangle 41°34'49"N, 77°01'31"W);

2) A temporary access road using a timber mat bridge, a 24 inch diameter natural gas gathering line, and a 12 inch diameter water line impacting 76 linear feet of an unnamed tributary to Salt Spring Run (EV) and 9,633 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'02"N, 77°02'27"W).

The project will result in 160 linear feet of temporary stream impacts and 9,966 square feet (0.23 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Liberty Townships, Tioga County.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESG14-019-0029—W23 to W16 Temporary Waterline

Applicant PennEnergy Resources, LLC

Contact Joseph Schwab

Address 1000 Commerce Drive, Park Place One, Suite 100

City Pittsburgh State PA Zip Code 15275-1063

County Butler Township(s) Clearfield & Winfield(s)

County Armstrong Township(s) West Franklin(s)

Receiving Stream(s) and Classification(s) Long Run and UNT's to Long Run, Rough Run, Buffalo Creek / Buffalo Creek Watershed HQ-TSF

ESCGP-2 #ESX14-085-0019—Lackawannock Larmon Central Facility Pad

Applicant Hilcorp Energy Co

Contact Stephanie McMurray

Address 1201 Louisiana St. Suite 1400

City Houston State TX Zip Code 77002

County Mercer Township(s) Lackawannock(s)

Receiving Stream(s) and Classification(s) UNT to Hartheigig Run (TSF)

ESCGP-2 #ESX14-073-0017—Siegel Gathering System North

Applicant Hilcorp Energy Co.

Contact Stephanie McMurray

Address 1201 Louisiana St., Suite 1400

City Houston State TX Zip Code 77002

County Lawrence Township(s) Mahoning & Pulaski Twp(s)

Receiving Stream(s) and Classification(s) Unnamed Tributary to Mahoning River, Unnamed Tributary to the Coffee Run, Coffee Run, Marshall Run.

ESCGP-2 #ESX14-073-0016—Pulaski Chrastina Well Site

Applicant Hilcorp Energy Co.

Contact Stephanie McMurray

Address 1201 Louisiana St., Suite 1400

City Houston State TX Zip Code 77002

County Lawrence Township(s) Pulaski(s)

Receiving Stream(s) and Classification(s) UNT to

Shenango River WWF, Shenango River

ESCGP-2 #ESG14-083-0008—Pad C08-D

Applicant Seneca Resources Corporation

Contact Doug Kepler

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825-2701

County McKean Township(s) Norwich(s)

Receiving Stream(s) and Classification(s) Mosier Hollow HQ-CWF, Long Run CWF, Short Run CWF, Murdock Branch CWF, Indian Run CWF, Potato Creek Watershed, West Branch Potato Creek and Potato Creek

ESCGP-2 #ESG14-019-0032—Cratty A/B Well Pad

Applicant XTO Energy Inc

Contact Melissa Breitenbach

Address 502 Keystone Drive

City Warrendale State PA Zip Code 15086

County Butler Township(s) Franklin(s)

Receiving Stream(s) and Classification(s) Shannon Run

HQ-CWF, Mulligan Run CWF / Connoquenessing

Watershed, Connoquenessing Creek

ESCGP-2 #ESX14-073-0012-North Beaver Mrozek Well Pad

Applicant Hilcorp Energy Company, LLC.

Contact Stephanie McMurray

Address 1201 Louisiana Street, Suite 1400

City Houston State TX Zip Code 77002



County Lawrence Township(s) North Beaver(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributary to Mahoning River (WWF)

ESCGP-2 #ESX14-019-0030—Kyne Well Pad  
Applicant XTO Energy Inc.  
Contact Melissa Bretenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Connoquenessing(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributary to Mulligan Run (CWF)/Connoquenessing Creek Watershed (CWF)

ESCGP-2 #ESG14-047-0005—Ridgway Pad J11-R  
Applicant Seneca Resources Corporation  
Contact Michael Clinger  
Address 51 Zents Boulevard  
City Brookville State PA Zip Code 15825-2701  
County Elk Township(s) Spring Creek  
Receiving Stream(s) and Classification(s) Irwin Run (CWF/CWF); Pole Road Run (HQ-CWF/HQ-CWF); Crow Run (HQ-CWF/HQ-CWF); UNT to Bear Creek (HQ-CWF/HQ-CWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESG29-015-14-0014  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext., Suite 300  
City, State, Zip Wexford, PA 15090  
County Bradford County  
Township(s) Overton Township  
Receiving Stream(s) and Classification(s) UNT Cabin Run (EV/MF), UNT Elk Creek (EV/MF);  
Secondary: Towanda and Loyalsock Creeks

ESCGP-2 # ESX29-015-14-0023  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford County  
Township(s) Towanda Township  
Receiving Stream(s) and Classification(s) UNT To Sugar Creek (WWF/MF);  
Secondary: Sugar Creek (WWF/MF)

ESCGP-2 # ESG13-131-0029 (01)  
Applicant Name Appalachia Midstream Svc. Co., LLC  
Contact Person Randy DeLaune  
Address 100 IST Center  
City, State, Zip Horseheads, NY 14845  
County Wyoming County  
Township(s) North Branch Township  
Receiving Stream(s) and Classification(s) Sugar Run Creek & Miller Brook (CWF/MF) Other: NRTS

ESCGP-2 # ESX29-117-14-0010  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Tioga County  
Township(s) Liberty Township  
Receiving Stream(s) and Classification(s) Blacks Creek (CWF/MF);  
Secondary: Blockhouse Creek (CWF/MF)

ESCGP-2 # ESX29-015-14-0020  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins

Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford County  
Township(s) Towanda Township  
Receiving Stream(s) and Classification(s) UNT to Sugar Creek (WWF/MF);  
Secondary: Sugar Creek (WWF/MF)

ESCGP-2 # ESX29-015-14-0025  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford County  
Township(s) Burlington Township  
Receiving Stream(s) and Classification(s) Sugar Creek (WWF/MF);  
Secondary: Susquehanna River (WWF/MF)

ESCGP-2 # ESG29-117-14-0005  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Tioga County  
Township(s) Liberty Township  
Receiving Stream(s) and Classification(s) UNT to Blacks Creek (CWF/MF), UNT to Zimmerman Creek (HQ-CWF-MF-EV);  
Secondary: Blacks Creek (CWF/MF), Zimmerman Creek (HQ-CWF-MF-EV)

ESCGP-2 # ESG29-081-14-0019  
Applicant Name Anadarko Marcellus Midstream LLC  
Contact Person Rane Wilson  
Address 33 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Pine Township  
Receiving Stream(s) and Classification(s) Little Pine Creek (EV/MF)

ESCGP-2 # ESG29-081-14-0016  
Applicant Name PVR Marcellus Gas Gathering, LLC  
Contact Person Nicholas Bryan  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Upper Fairfield Township  
Receiving Stream(s) and Classification(s) Mill Creek (HQ/TSF);  
Secondary: Loyalsock (EV)

ESCGP-2 # ESG29-081-14-0006  
Applicant Name Inflection Energy PA, LLC  
Contact Person Thomas Gillespie  
Address 416 Pine Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Upper Fairfield Township  
Receiving Stream(s) and Classification(s) Loyalsock Creek (EV); Other: TSF

ESCGP-2 # ESG29-081-14-0009  
Applicant Name Inflection Energy PA, LLC  
Contact Person Thomas Gillespie  
Address 416 Pine Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Eldred Township  
Receiving Stream(s) and Classification(s) UNT to Loyalsock Creek (EV);  
Secondary: Loyalsock Creek; Other: TSF

ESCGP-2 # ESX29-027-14-0002  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Mary C. Patton  
 Address 100 Throckmorton Street, Suite 1200  
 City, State, Zip Ft. Worth, TX 76102  
 County Centre County  
 Township(s) Snow Shoe Township  
 Receiving Stream(s) and Classification(s) North and  
 South Fork Beech Creek (CWF)

ESCGP-2 # ESX29-117-14-0008  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Drive, Suite 400  
 City, State, Zip Sewickley, PA 15143  
 County Tioga County  
 Township(s) Richmond Township  
 Receiving Stream(s) and Classification(s) Slate Creek  
 (HQ-CWF), Trib to Slate Creek (CWF);  
 Secondary: Tioga River (CWF/MF)

ESCGP-2 # ESX29-115-14-0053  
 Applicant Name SW Gathering LLC  
 Contact Person Mark Colenbrander  
 Address 6000 Town Center Blvd., Ste 300  
 City, State, Zip Canonsburg PA 15317  
 County Susquehanna County  
 Township(s) Middletown Township  
 Receiving Stream(s) and Classification(s) 6 UNTs to  
 Middle Branch Wyalusing Creek (CWF/MF)

ESCGP-2 # ESX29-081-14-0021  
 Applicant Name Inflection Energy PA, LLC  
 Contact Person Thomas Gillespie  
 Address 416 Pine Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Eldred Township  
 Receiving Stream(s) and Classification(s) UNT to Mill  
 Creek (TSF);  
 Secondary: Mill Creek (TSF)

*Southwest Region: Oil & Gas Program Mgr. 400 Water-  
 front Dr. Pittsburgh PA*

ESCGP-2 No.: ESX12-125-0094 Major Revision  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC  
 Contact Person Mr Rick Lowry  
 Address: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township: Buffalo, Blaine  
 Receiving Stream (s) And Classifications: Buffalo Creek  
 (HQ-WWF), UNTs to Buffalo Creek (HQ-WWF), UNTs  
 to Wolf Run (HQ-WWF), Wolf Run (HQ-WWF); HQ

ESCGP-2 No.: ESX13-063-0007  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Mr Jonathan Madill  
 Address: 280 Indian Springs Road  
 City: Indiana State: PA Zip Code: 15701  
 County: Indiana Township(s): Center  
 Receiving Stream(s) and Classifications: Trib 44085 of  
 Cherry Run/Cherry Run, UNT to Trib 44085 of Cherry  
 Run/Cherry Run; UNT 1 to UNT 2 to Trib 44084 to  
 Cherry Run/Cherry Run; UNT 2 to UNT 2 to Trib  
 44084 to Cherry Run/Cherry Run; UNT 3 to UNT 2 to  
 Trib 44084 to Cherry Run/Cherry Run; UNT 2 to Trib  
 44084 to Cherry Run/Cherry Run; Trib 44084 to Cherry  
 Run/Cherry Run; UNT 1 to Trib 44084 to Cherry Run/  
 Cherry Run; UNT 3 to Trib 44084 to Cherry Run/  
 Cherry Run; UNT 1 to UNT 4 to Trib 44084 to Cherry

Run/Cherry Run; UNT 4 to Trib 44084 to Cherry Run/  
 Cherry Run; Cherry Run/Cherry Run; Other CWF;  
 Siltation-Impaired

ESCGP-2 No.: ESX12-059-0047 Major Revision  
 Applicant Name: Vantage Energy Appalachia II LLC  
 Contact Person: Mr Nick Mongelluzzo  
 Address: 226 Elm Drive Suite 102  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Franklin  
 Receiving Stream(s) and Classifications: Throckmorton  
 Run and UNT to Throckmorton Run (HQ-WWF) /  
 Monongahela River; HQ; Other WWF

ESCGP-2 No.: ESX11-059-0058 Major Revision  
 Applicant Name: Vista Gathering LLC  
 Contact Person: Mr Nicholas Mongelluzzo  
 Address: 226 Elm Drive Suite 102  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Franklin  
 Receiving Stream(s) and Classifications: South Fork  
 Tenmile Creek / Coal Lick Run—WWF

ESCGP-2 No.: ESX14-059-0033  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Mr Branden Weimer  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 COUNTY Greene Township(s): Greene  
 Receiving Stream(s) and Classifications: UNT to Woods  
 Run (TSF)/Monongahela River Watershed (WWF);  
 Other TSF

ESCGP-2 No.: ESG14-059-0012  
 Applicant Name: EQT Production  
 Contact Person: Mr Todd Klaner  
 Address: 455 Racetrack Road Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT-Browns  
 Creek (HQ-WWF)/UNT Bates Fork (HQ-WWF)/  
 Tenmile Creek (Watershed); HQ; Other Warm  
 Water Fishery

ESCGP-2 No.: ESG14-059-0016  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Ms Steph Ranker  
 Address: 111 Enterprise Lane  
 City: Connellsville State: PA Zip Code 15425  
 County: Greene Township(s): Center and Franklin  
 Receiving Stream(s) and Classifications: Browns Creek  
 (HQ)/Throckmorton Run (HQ)/2 UNTs to Mudlick Run  
 (HQ); HQ

ESCGP-2 No.: ESG13-125-0091  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person: Ms Laura M Rusmisl  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Hopewell  
 Receiving Stream(s) and Classifications: UNT to Brush  
 Run (HQ-WWF); HQ

ESCGP-2 No.: ESX13-003-0016  
 Applicant Name: CONE Gathering LLC  
 Contact Person: Ms Tara Meek  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Allegheny Township(s): Findlay  
 Receiving Stream(s) and Classifications: Raredon Run,  
 tributaries to Raredon Run, tributaries to Montour  
 Run/Ohio River Watershed-See Appendix B for  
 additional receiving waters; Other Warm Water  
 Fisheries (WWF) and Trout stocked Fisheries  
 (TSF); Siltation-Impaired

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**SPECIAL NOTICES**

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**Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; Calendar Year 2013**

The Department of Environmental Protection (DEP) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 904. Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums, or similar entities established by two or more municipalities under 53 PA.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2013.

Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source-separated recyclable materials identified in § 1501(c)(1)(i) of Act 101 recovered by municipal recycling programs, and the population of the municipality as determined by the most recent decennial census. Calendar year 2013 Recycling Performance Grants will be calculated utilizing the formula established for the past two grant years.

Applicants who have failed to comply with the conditions set forth in previously awarded grants, the recycling program performance requirements contained in Act 140 of 2006, the grant requirements of Act 101, or the regulations of Act 101 may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with § 272.314(b)(2) relating to the submittal of the annual recycling report.

Eligible materials include post-consumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after Jan. 1, 2013, to and including Dec. 31, 2013. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Any residues, materials not listed as eligible, or any materials that cannot be documented as being generated within the municipality or marketed or recycled into new products or uses are not eligible for consideration toward the grant. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department of Environmental Protection, the Office of the Auditor General, the Office of the Treasurer, or agents of those offices for four (4) years. DEP will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No

additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application.

Grant applications must be on forms provided by DEP for calendar year 2013. Grant applications must be delivered by 4 p.m., Sep. 30, 2014, or postmarked on or before this date. Applications received by the DEP after the deadline will be returned to the applicant. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Applicants who filed a Performance Grant application for calendar year 2012 will be mailed a current application by DEP as soon as it is available. Applications may also be obtained from the DEP's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Keyword: "Recycling Grants"). Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, PO Box 8472, Harrisburg, PA 17105-8472 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

**Mifflin-Juniata Counties Regional Municipal Waste Management Plan; Public Review & Comment Period and Public Meeting Notices**

Mifflin and Juniata Counties, Pennsylvania (the Counties), in coordination with the members of the Solid Waste Advisory Committees (SWACs) for each county and with assistance of a consultant, Barton & Loguidice, have prepared a Draft Regional Municipal Waste Management Plan (Regional Plan). The Regional Plan projects waste disposal needs, recyclable quantities, and management techniques to handle those materials for the next ten years. The Regional Plan requires that all municipal wastes generated in Mifflin County and Juniata County be disposed of at Designated Processing/ Disposal Facilities identified in the Regional Plan. The Counties have secured long-term disposal capacity commitments by entering contracts with a total of eleven (11) Designated Facilities in the area, as listed in Chapter 7 of the Regional Plan. These contracts become effective in 2015.

The primary public facility that services the waste and recycling needs of the Counties is the Mifflin County Solid Waste Authority's (Authority's) Transfer Station and Recycling Depot (Transfer Facility), located in Derry Township near Lewistown. The Authority has entered a long-term contract with the Clinton County Solid Waste Authority for the hauling and disposal of wastes from the Authority's Transfer Facility at the Wayne Township Landfill in McElhattan, PA beginning in 2015. The Authority also services over 50 recycling drop-off containers throughout Mifflin County, and accepts self-haul recycling at the Transfer Facility from the Counties. The Regional Plan recognizes the desire to sustain and expand recycling opportunities in the Counties.

The Regional Plan acknowledges the Authority as a key service provider of integrated waste and recycling services and programs for the Counties' residents and businesses. Further, the Regional Plan identifies the benefits to the Counties of a sustained and viable Authority operation throughout the 10-year planning period. The Authority uses a combination of volume discount waste delivery contracts, a competitively bid hauling/ disposal contract, internal fiscal controls, and multiple funding sources to secure the necessary tonnages and revenues to remain viable and sustainable. The Authority intends to continue to use these measures throughout the planning period. The Regional Plan contains contingent waste assurance

ordinances and mechanisms that would be triggered only if the current contracting and waste delivery assurance techniques become ineffective in the future.

Copies of the Regional Plan will be available for inspection and review during normal business hours at 1) the Juniata County Planning Office, Juniata County Courthouse in Mifflintown; 2) the Mifflin County Planning Office, Mifflin County Courthouse in Lewistown, and; 3) the Mifflin County Solid Waste Authority Office, at the entrance of 87 Landfill Road, Lewistown (in Derry Township, on Route 522). The Plan can also be accessed, downloaded and reviewed electronically on the Barton & Loguidice project website at: [www.bartonandloguidice.com/mifflin-juniata-swplan.htm](http://www.bartonandloguidice.com/mifflin-juniata-swplan.htm).

Comments will be accepted on the Regional Plan anytime within 90 days of the date of this first printed

notice (July 9, 2014). A person may make inquiries on this public review and comment process, or submit their comments in writing, along with the specific reason for their comments, to: 1) the Juniata County Planning Office, One North Main Street, Mifflintown, PA 17059, attention Mr. Brad Kerstetter, Planning Director, ph. 717-436-7729 (or via e-mail to [bkerstetter@juniataco.org](mailto:bkerstetter@juniataco.org)); or to the Mifflin County Solid Waste Authority, 87 Landfill Road, Lewistown PA 17044, Attention Ms. Lisa Smith, Director ph. 717-242-3301 (or via e-mail to [lisamifflincountyswa.com](mailto:lisamifflincountyswa.com)). Two public meetings will be held to accept Regional Plan comments on Tuesday, September 9, 2014, at: 1) 10:00 am in the Authority's Administrative Office, at entrance of 87 Landfill Road, Lewistown, and 2) 1:00 pm at the Juniata County Conservation District Office, 146 Stoney Creek Drive, Suite 4, Mifflintown (Arch Rock Road Exit off Route 322).

### NPDES General Permit No. 2 for Stormwater Discharges Associated with Construction Activity Application; Correction

The following NPDES General Permit No. 2 for Stormwater Discharges Associated with Construction Activity application was incorrectly published as an Action in 44 Pa.B. 3361 (June 7, 2014). As of June 7, 2014, no official Action or Issuance by the Fulton County Conservation District or the PADEP had been taken on this application. Proper public notice in the *Pennsylvania Bulletin* will occur once official Action is taken on the subject application.

Questions related to this correction can be directed to the Fulton County Conservation District at the contact information below.

Ayr Township  
Fulton County

PAG02002914002

CFC Fulton Properties Big Cove Creek/  
2700 Clemens Road CWF, MF  
Hatfield, PA 19440

Fulton County  
Conservation District  
216 North 2nd Street  
Suite 15  
McConnellsburg, PA  
17233-1170  
717.485.3547, Ext. 121

[Pa.B. Doc. No. 14-1434. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Mining and Reclamation Advisory Board Meeting

The Mining and Reclamation Advisory Board (Board) will meet from 9:30 a.m. to 11:30 a.m. on Thursday, July 17, 2014, at the Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866.

Questions concerning the meeting can be directed to Daniel E. Snowden, D.Ed. at (717) 783-8846 or [dsnowden@pa.gov](mailto:dsnowden@pa.gov). The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden, D.Ed. at (717) 783-8846 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. 14-1435. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Reclamation Bond Credits; Increased Amounts Available

The Reclamation Bond Credit Program (Program) is a remining incentive authorized by an amendment to the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19b) by the act of May 22, 1996 (P. L. 232, No. 43). The Program provides an incentive for an operator to voluntarily reclaim an abandoned mine area that the industry would not ordinarily reclaim. An operator may earn a "bond credit" under a Consent Order and Agreement with the Department of Environmental Protection (Department) by reclaiming an abandoned mine land area. The area does not have to be associated with a mining permit. The special account established to financially assure bonding obligations under this Program was initially funded in 1997 with \$200,000. This amount was increased by \$300,000 to \$500,000 in 2010.

Chapter 86 of 25 Pa. Code (relating to surface and underground coal mining: general) established the requirements of the Program. The value of the bond credit is equal to the lesser of either the operator's cost or the Department's cost to reclaim the stipulated area. Once earned, the operator may use the bond credit instead of normal bonding on future mining permits.

Since the inception of the Program, coal mine operators in this Commonwealth have reclaimed 50.1 acres of abandoned mine land, saving the Commonwealth approximately \$553,000 in reclamation costs. There is currently \$442,416 obligated for bond credits.

Effective immediately, the Department is increasing the available amount under the Program from \$500,000 to \$1.1 million. This increase is supported by funds held in the Remining Financial Assurance Fund. The increase will provide financial assurance for Reclamation Bond Credits (Credits) anticipated to be issued in the near future upon the completion of the abandoned mine land reclamation. This will increase the amount obligated for Credits to \$1,004,721.

For background information and supporting documentation regarding Credits, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1436. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee (Committee) meeting scheduled for July 16, 2014, has been cancelled. The next meeting of the Committee is scheduled for September 17, 2014, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the cancellation or the next scheduled meeting of the Committee should be directed to Sean Gimbel at (717) 783-4693 or [sgimbel@pa.gov](mailto:sgimbel@pa.gov). The agenda and meeting materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-4693 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. 14-1437. Filed for public inspection July 11, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1438. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Barix Clinics for an Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Barix Clinics has requested an exception to the requirements of 28 Pa. Code § 107.25(b)(8) (relating to medical staff executive committee).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1439. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of The Children's Home of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Home of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1440. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Children's Hospital of Pittsburgh of UPMC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh of UPMC has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1441. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Greater Erie Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Greater Erie Surgery Center, LLC has requested exceptions to the requirements of 28 Pa. Code §§ 553.31 and 559.2 (relating to administrative responsibilities; and director of nursing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1442. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Hanover Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hanover Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.5.3.1(2) (relating to pre-procedure and recovery areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1443. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Langhorne Access Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Langhorne Access Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1) and (3) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1444. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Moses Taylor Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Moses Taylor Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 3.1-3.8.1 (relating to toilet(s) for patient use).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1445. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of OSS Orthopaedic Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Orthopaedic Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-2.2.2.7(2)(a)(ii) (relating to bathing facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1446. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of PA Vascular Institute LLC—Easton for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that PA Vascular Institute LLC—Easton has requested an exception to the requirements of 28 Pa. Code

§ 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 3.7-7.2.2.1 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1447. Filed for public inspection July 11, 2014, 9:00 a.m.]

### **Application of Penn Highlands—DuBois (Penn Highlands OB/GYN) for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands—DuBois (Penn Highlands OB/GYN, 90 Beaver Drive, Suite 211D) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-7.2.2.3(1)(a) and (b), 3.1-7.2.2.1(1), 3.1-3.6.6.2 and 3.1-6.1.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1448. Filed for public inspection July 11, 2014, 9:00 a.m.]

### **Application of Penn Highlands—DuBois (Penn Highlands OB/GYN) for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands—DuBois (Penn Highlands OB/GYN, 145 Hospital Avenue, Suite 315) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.2(1), 3.1-3.2.2.2(2), 3.1-7.2.2.3(1)(a) and (b) and 3.1-7.2.2.1(1).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1449. Filed for public inspection July 11, 2014, 9:00 a.m.]

### **Application of Penn Highlands—DuBois (Penn Highlands Plastic Surgery) for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands—DuBois (Penn Highlands Plastic Surgery, 90 Beaver Drive, Suite 215D) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.4.2(1) and (2), 3.1-7.2.2.3(1)(a) and (b), 3.1-7.2.2.1(1) and 3.1-6.1.1.



This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1450. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Pinnacle Health System—The West Shore Pain Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health System—The West Shore Pain Center has requested an exception to the requirements of subparagraph (ii) of the definition of “classification levels” in 28 Pa. Code § 551.3 (relating to definitions), regarding Class B.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1451. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Reading Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-7.2.2.1(1) and 3.1-3.2.2.2(2) (relating to corridor width; and clearances).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1452. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1453. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1454. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of UPMC Hamot for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Hamot has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 2.1-7.2.3.4(3)(a), 2.2-3.3.3.3(2), 2.2-3.3.6.10 and 2.2-3.3.7.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1455. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1456. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of UPMC Mercy Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.4.3.2 (relating to diagnostic x-ray).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1457. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1458. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Warren General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warren General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following

publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.1-8.2.2.5(4) (relating to operating and delivery rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1459. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of West Penn Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Penn Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1460. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 2.1-8.5.3.2, 2.1-3.2.1.1 and 2.1-3.2.1.3(2) (relating to Technology Distribution Rooms (TDRs); examination/treatment rooms; and hand-washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1461. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Zitelli and Brodland PC (Clairton) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Zitelli and Brodland PC (575 Coal Valley Rd. #360, Clairton) has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1462. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Application of Zitelli and Brodland PC (Pittsburgh) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Zitelli and Brodland PC (5200 Centre Ave. #303, Pittsburgh) has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1463. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Allied Services Transitional Rehabilitation Unit  
475 Morgan Highway  
Scranton, PA 18508  
FAC ID # 01690201

Broad Acres Health and Rehabilitation Center  
1883 Shumway Hill Road  
Wellsboro, PA 16901  
FAC ID # 022702

Charles Cole Memorial Hospital, ECF  
1001 East Second Street  
Coudersport, PA 16915  
FAC ID # 031802

The Green Home, Inc.  
37 Central Avenue  
Wellsboro, PA 16901  
FAC ID # 072202

Malta Home  
105 Malta Drive  
Granville, PA 17029  
FAC ID # 130302

Manor Care Health Services—Jersey Shore  
1008 Thompson Street  
Jersey Shore, PA 17740  
FAC ID # 121302

Manor at Penn Village  
51 Route 204  
Selinsgrove, PA 17870  
FAC ID # 040302

Sayre Health Care Center  
1001 North Elmer Avenue  
Sayre, PA 18840  
FAC ID # 192102

Sweden Valley Manor  
1028 East Second Street  
Coudersport, PA 16915  
FAC ID # 455402

Valley View Haven, Inc.  
4702 East Main Street  
Belleville, PA 17004  
FAC ID # 220402

The Williamsport Home  
1900 Ravine Road  
Williamsport, PA 17701  
FAC ID # 491902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(a) (relating to doors):

Allied Services Transitional Rehabilitation Unit  
475 Morgan Highway  
Scranton, PA 18508  
FAC ID # 01690201

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. 14-1464. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, July 24, 2014, from 10 a.m. to 12 p.m. by teleconference at the Health and Welfare Building, 625 Forster Street, Room 129, Harrisburg, PA 17120.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to drug formulary, covered lab services, drug utilization review, clinical programs, eligibility and program management.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact John Haines, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 611, Health and Welfare Building, Harrisburg, PA 17120, (800) 922-9384, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1465. Filed for public inspection July 11, 2014, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Liquefied Petroleum Gas Facility; Notice of Application

Under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P.S. § 1329.10), the Department of Labor and Industry (Department) publishes notice in the *Pennsylvania Bulletin* of applications to install or expand liquefied petroleum gas (LPG) facilities that exceed 400,000 gallons. The Department has received an application and requests that the following notice be published in the *Pennsylvania Bulletin*.

The Department received an application for plan approval and permit from the following LPG facility: Markwest Energy Partners, LLC, Bluestone Natural Gas Processing Plant, 440 Hartmann Road, Evans City, PA 16033.

This application is for the installation and use of LPG storage vessels consisting of 5 60,000-gallon vessels, 12 80,000-gallon vessels and 5 84,000-gallon vessels which will bring the total location storage capacity to 1.56 million gallons.

The due date for protests or comments concerning these applications is 45 days after the publication date of this notice. A party that fails to file a timely protest will be barred from any participation in the application process. In lieu of a protest, a municipality or county may submit written comments on the applications within 45 days after the date of publication of this notice. If a municipality or county fails to file a protest or comments on a timely basis, the municipality or county will be deemed to have waived its status as a party in any subsequent administrative process or appeal.

Written protests or written comments may be sent to Kim D. Peck, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 651 Boas Street, Room 1613, Harrisburg, PA 17121.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-1466. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Liquefied Petroleum Gas Facility; Notice of Application

Under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P.S. § 1329.10), the Department of Labor and Industry (Department) publishes notice in the *Pennsylvania Bulletin* of applications to install or expand liquefied petroleum gas (LPG) facilities that exceed 400,000 gallons. The Department has received two applications and requests that the following notice be published in the *Pennsylvania Bulletin*.

The Department received two applications for plan approval and permit from the following LPG facility: Markwest Energy Partners, LLC, 800 Western Avenue, Washington, PA 15301.

The applications are for the expansion of an existing LPG facility that was previously published in the *Pennsylvania Bulletin* and obtained approval from the Department.

The first application is for the proposed new propane storage tank expansion at Pad 3 which will include the installation and operation of 175,000-gallon tank that will be used to store N-Butane.

The second application is for the proposed expansion that will include the installation and operation of a 2 million gallon sphere.

These two applications propose increasing the total site storage capacity to 6.498 million gallons.

The due date for protests or comments concerning these applications is 45 days after the publication date of this notice. A party that fails to file a timely protest will be barred from any participation in the application process. In lieu of a protest, a municipality or county may submit written comments on the applications within 45 days after the date of publication of this notice. If a municipality or county fails to file a protest or comments on a timely basis, the municipality or county will be deemed to

have waived its status as a party in any subsequent administrative process or appeal.

Written protests or written comments may be sent to Kim D. Peck, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 651 Boas Street, Room 1613, Harrisburg, PA 17121.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-1467. Filed for public inspection July 11, 2014, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will add Hereditary Angioedema (HAE) Agents designated as preferred on the Department's Preferred Drug List to the Medical Assistance (MA) Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P.S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for preferred HAE Agents. These prior authorization requirements apply to prescriptions dispensed on or after July 22, 2014.

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for preferred HAE Agents.

#### *Fiscal Impact*

There is currently no utilization of HAE Agents in the Fee for Service program; therefore, it is anticipated that the prior authorization requirement will have no fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-892. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-1468. Filed for public inspection July 11, 2014, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is available for sale by the Department.

Fermanagh Township, Juniata County. The parcel contains 3.033 acres of unimproved land situated in the Tuscarora Forest, Inc. Development, Mifflintown, PA. Estimated fair market value is \$10,000.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Attn: Right-of-Way, Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830.

BARRY J. SCHOCH, PE,  
*Secretary*

[Pa.B. Doc. No. 14-1469. Filed for public inspection July 11, 2014, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Re- fusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Room 2015, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Judith Thomas; file no. 14-114-162162; Erie Insurance Exchange; Doc. No. P14-05-008; August 12, 2014, 9 a.m.

Appeal of Joni Landy; file no. 14-130-165153; TravCo Insurance Company; Doc. No. P14-06-003; August 12, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is

available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-1470. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Review Procedure Hearings under the Unfair In- surance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Room 2015, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Larry Manno; file no. 14-119-166122; Travelers Home and Marine Insurance Company; Doc. No. P14-06-019; August 12, 2014, 11 a.m.

Appeal of Daniel and Daun Palmer; file no. 14-116-165438; Donegal Mutual Insurance Company; Doc. No. P14-06-017; August 12, 2014, 1 p.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. 14-1471. Filed for public inspection July 11, 2014, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center at Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Wednesday, July 23, 2014.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 14-1472. Filed for public inspection July 11, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 28, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2013-2365066. Seniority Transportation, LLC** (120 Sunnylegde Lane, Ligonier, Westmoreland County,

PA 15658) persons in limousine service, between points in Westmoreland, Allegheny, Butler and Somerset Counties.

**A-2013-2384956. Second Amended the Auto Lender, Inc.** (925 North Main Street, Punxsutawney, PA 15767) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points within the Counties of Clearfield and Jefferson, to points in Pennsylvania, and return. *Attorney:* David M. O'Boyle, Esquire, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219-3455.

**A-2014-2412432. Helping Enjoying & Loving People 2 Salvation Ministries, Inc.** (5907 Osage Avenue, Philadelphia, PA 19143) persons in paratransit service, from points in the City and County of Philadelphia, to all correctional facilities in Pennsylvania, and return.

**A-2014-2412435. Duvall Bus Service, LLC** (664 West Avondale Road, West Grove, Chester County, PA 19390) in paratransit service, from points in that portion of Chester County on and south of U.S. Highway Route 1, to points in Pennsylvania on and east of U.S. Highway Route 15, and return.

**A-2014-2412738. Lloyd Stoltzfus** (390 Diem Woods Drive, New Holland, Lancaster County, PA 17557) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2014-2412750. Jeffrey Johnson** (2648 Evergreen Drive, Bird In Hand, Lancaster County, PA 17505) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2014-2412777. Parke D. Landis and Dorothy J. Landis Tenants by Entirety** (380 Netzley Drive, New Holland, Lancaster County, PA 17517) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2014-2413251. Gem Ambulance, LLC** (1750 Cedar Bridge Avenue, Lakewood, Ocean County, NJ 08701) in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Craig A. Doll, P. O. Box 403, Hummelstown, PA 17036-0403.

**A-2014-2413252. Richland Emergency Medical Service, Inc., t/a Richland EMS** (P. O. Box 925, Gibsonia, PA 15044) persons in paratransit service, limited to transportation to and from medical facilities, between points in the Counties of Allegheny and Butler.

**A-2014-2413359. Regal Enterprises, Inc., t/a Regal Executive Transportation** (400 Adams Street, Rochester, Beaver County, PA 15074) persons, in limousine service, from points in the Counties of Beaver, Allegheny, Butler, Lawrence and Washington, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Albert A. Torrence, 640 Fourth Street, Beaver, PA 15009.

**A-2014-2413667. Good Transportation Services, LLC** (29 Apple Lane, Mountville, Lancaster County, PA



17554) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Lancaster County.

**A-2014-2413671. Good Transportation Services, LLC** (29 Apple Lane, Mountville, Lancaster County, PA 17554) in airport transfer service, from points in Lancaster County, to the Lancaster Airport, located in Lititz, Lancaster County, and to the Harrisburg International Airport, located in Middletown, Dauphin County.

**A-2014-2421679. Feb, LLC** (300 Park Avenue, Apt. 313, Wilkes-Barre, Luzerne County, PA 18702) in call or demand service, in the City of Pittston, Luzerne County, and within 5 air miles of the municipal limits of said city. *Attorney:* Kenneth A. Olsen, 33 Philhower Road, Lebanon, NJ 08833.

**A-2014-2424986. Amserv, Ltd.** (P. O. Box 253, DuBois, PA 15801) in paratransit service, limited to the use of wheelchair/stretchers, from points within an airline distance of 50 statute miles of DuBois, Clearfield County, to points in Pennsylvania, and return.

**A-2014-2425972. Elias Adinew, t/a Integrity Taxi Service** (370 Caraway Drive, Mountville, Lancaster County, PA 17554) in call or demand service, in Lancaster County.

**A-2014-2426081. Linda Martin** (313 North Red School Road, Morgantown, Lancaster County, PA 17543) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-2014-2423944. Arrive In Style Limousine, LLC, t/a Arrive In Style Limousine** (108 North Washington Avenue, Scranton, PA 18504) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all rights authorized under the certificate issued at A-00117969F0001 to Arrive In Style Limousine, Inc., subject to the same limitations and conditions.

**A-2014-2423972. Lifestar Response of Maryland, Inc.** (3710 Commerce Drive, Suite 1006, Baltimore, MD 21227) in paratransit service, between points in the City and County of Philadelphia, which is to be a transfer of all rights authorized under the certificate issued at A-6410147 to Medcross Ambulance, Inc., subject to the same limitations and conditions. *Attorney:* Brian Richmond, 21540 30th Drive SE, Suite 250, Bothell, WA 98021.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2014-2422944. Keon Enterprises, LLC** (3751 Rutherford Street, Harrisburg, PA 17111) a limited liability corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport by motor vehicle, persons in paratransit service, between points in the Counties of Cumberland and Dauphin: *So As To Permit:* the transportation of persons in paratransit service, between

points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon, Perry and York.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2014-2418497. Hopkins & Sons, Inc.** (1 Bellecor Drive, New Castle, DE 19720) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points within Berks, Bucks, Chester, Delaware, Lancaster, Montgomery and Philadelphia Counties.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2014-2424938. Orwigsburg Ambulance, Inc.** (500 East Market Street, Orwigsburg, PA 17961) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, from points in Schuylkill County, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1473. Filed for public inspection July 11, 2014, 9:00 a.m.]

## Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due July 28, 2014, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. M L Stadelman Equipment Company, LLC;*  
*Doc. No. C-2014-2416480*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to M L Stadelman Equipment Company, LLC, (respondent) is under suspension effective March 17, 2014 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 400 Strope Road, Burgettstown, PA 15021.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 26, 2012, at A-8914288.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914288 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/22/2014

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 14-1474. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Telecommunications

**A-2014-2428245. Mahanoy and Mahantango Telephone Company and Sugar Valley Telephone Company and Sprint Spectrum, LP.** Joint petition of Mahanoy and Mahantango Telephone Company and Sugar Valley Telephone Company and Sprint Spectrum, LP for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Mahanoy and Mahantango Telephone Company and Sugar Valley Telephone Company and Sprint Spectrum, LP, by its counsel, filed on June 20, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m. Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Copies of the Mahanoy and Mahantango Telephone Company and Sugar Valley Telephone Company and Sprint Spectrum, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1475. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Telecommunications

**A-2014-2428216. Verizon North, LLC and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless.** Joint petition of Verizon North, LLC and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, by its counsel, filed on June 20, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1476. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Wastewater Provider

**A-2014-2429353. Maronda Farms, Inc.** Application of Maronda Farms, Inc. for approval of the abandonment or discontinuance of its certificate of public convenience as a wastewater provider to the public in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 28, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Maronda Farms, Inc.

*Through and By Counsel:* Joseph F. McDonough, Esquire, One Oxford Center, 301 Grant Street, 20th Floor, Pittsburgh, PA 15219-1410

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1477. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Water Service

**A-2014-2428959. City of Bethlehem.** Application of the City of Bethlehem for approval to begin to offer, render, furnish or supply domestic water service to the public in additional territory in portions of Lower Nazareth Township located in Northampton County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 28, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* The City of Bethlehem

*Through and By Counsel:* John J. Gallagher, Esquire, 711 Forest Road, Harrisburg, PA 17112

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1478. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Water Service

**A-2014-2428695. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in a portion of Jefferson Township, Washington County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 28, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033  
ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 14-1479. Filed for public inspection July 11, 2014, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Thuy Quang Vu; Doc. No. 0410-45-2014**

On March 14, 2014, Thuy Quang Vu, license no. CL007346R, of New Castle, Lawrence County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

KARIE M. SCHOENEMAN,  
Chairperson

[Pa.B. Doc. No. 14-1480. Filed for public inspection July 11, 2014, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

**Projects Approved for Consumptive Uses of Water**

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from February 1 through February 28, 2014.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436, [rcairo@srbc.net](mailto:rcairo@srbc.net). Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

*Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. Seneca Resources, Pad ID: Rich Valley Pad G, ABR-201402001, Shippen Township, Cameron County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: February 3, 2014.

2. Seneca Resources, Pad ID: Rich Valley Pad F, ABR-201402002, Shippen Township, Cameron County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: February 3, 2014.

3. Southwestern Energy Production Company, Pad ID: WY O5 DZIUBA BENJAMIN PAD, ABR-201402003, Eaton Township, Wyoming County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: February 7, 2014.

4. Cabot Oil & Gas Corporation, Pad ID: HullR P1, ABR-20090702.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

5. Cabot Oil & Gas Corporation, Pad ID: Heitsman P1A, ABR-20090703.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

6. Cabot Oil & Gas Corporation, Pad ID: Gesford P2, ABR-20090705.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

7. Cabot Oil & Gas Corporation, Pad ID: HunsingerA P1, ABR-20090736.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

8. Cabot Oil & Gas Corporation, Pad ID: BrooksJ P1, ABR-20090733.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

9. Cabot Oil & Gas Corporation, Pad ID: Elk Lake School District P1, ABR-20090737.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

10. Cabot Oil & Gas Corporation, Pad ID: ChudleighW P1, ABR-20090738.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 7, 2014.

11. Talisman Energy USA, Inc., Pad ID: 07-038 Kropiewnicki J, ABR-201402004, Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: February 10, 2014.

12. Talisman Energy USA, Inc., Pad ID: 07-088 York R, ABR-201402005, Little Meadows Borough and Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: February 10, 2014.

13. Range Resources—Appalachia, LLC, Pad ID: Cornwall 1H-5H, ABR-201402006, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 10, 2014.

14. Southwestern Energy Production Company, Pad ID: WY O2 HARDING PAD, ABR-201402007, Tunkhannock Township, Wyoming County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: February 10, 2014.

15. Talisman Energy USA, Inc., Pad ID: 07-089 Corey J, ABR-201402008, Choconut Township, Susquehanna County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: February 10, 2014.

16. Chief Oil & Gas, LLC, Pad ID: Phelps Unit #1H, ABR-20090813.R1, Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 10, 2014.

17. Range Resources—Appalachia, LLC, Pad ID: Grays Run 1H-5H, ABR-201402009, Jackson Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 14, 2014.

18. Southwestern Energy Production Company, Pad ID: RU-65-LEONARD-PAD, ABR-201402010, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: February 14, 2014.

19. Talisman Energy USA, Inc., Pad ID: 07-077 Caprio S, ABR-201402011, Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: February 14, 2014.

20. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 259 #1001H, ABR-20090440.R1, Burnside Township, Centre County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 14, 2014.

21. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 259 #1000H, ABR-20090513.R1, Burnside Township, Centre County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 14, 2014.

22. Anadarko E&P Onshore, LLC, Pad ID: Larry's Creek F&G 2H, ABR-20090411.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: February 18, 2014.

23. Anadarko E&P Onshore, LLC, Pad ID: Larry's Creek F&G 3H, ABR-20090416.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: February 18, 2014.

24. Anadarko E&P Onshore, LLC, Pad ID: WW Litke #1H, ABR-20090817.R1, Curtin Township, Centre County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 18, 2014.

25. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 678 #1000H, ABR-20090820.R1, Noyes Township, Clinton County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 18, 2014.

26. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 678 #1001H & #1002H, ABR-20090821.R1, Noyes Township, Clinton County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 18, 2014.

27. Anadarko E&P Onshore, LLC, Pad ID: Tx Gulf B #1H, ABR-20090822.R1, Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 18, 2014.

28. Anadarko E&P Onshore, LLC, Pad ID: Tx Gulf B #2H & #3H, ABR-20090823.R1, Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 18, 2014.

29. Cabot Oil & Gas Corporation, Pad ID: BrooksW P1, ABR-20090701.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 18, 2014.

30. Cabot Oil & Gas Corporation, Pad ID: MakoskyT P1, ABR-201402012, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 4.250 mgd; Approval Date: February 24, 2014.

31. Cabot Oil & Gas Corporation, Pad ID: MillardK P1, ABR-201402013, Jessup Township, Susquehanna County, PA; Consumptive Use of Up to 4.250 mgd; Approval Date: February 24, 2014.

32. Cabot Oil & Gas Corporation, Pad ID: Teel P7, ABR-20090704.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 24, 2014.

33. Cabot Oil & Gas Corporation, Pad ID: SmithR P2, ABR-20090707.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 24, 2014.

34. Cabot Oil & Gas Corporation, Pad ID: LarueC P2, ABR-20090706.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 24, 2014.

35. Cabot Oil & Gas Corporation, Pad ID: BrooksW P2, ABR-20090724.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: February 24, 2014.

36. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 252 #1000H, ABR-20090444.R1, Grugan Township, Clinton County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 28, 2014.

37. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 252 #1001H & #1002H, ABR-20090445.R1, Grugan Township, Clinton County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 28, 2014.

38. Chesapeake Appalachia, LLC, Pad ID: Hannan, ABR-20090520.R1, Troy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 28, 2014.

39. Chesapeake Appalachia, LLC, Pad ID: Isbell, ABR-20090521.R1, Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 28, 2014.

40. Chesapeake Appalachia, LLC, Pad ID: Otten, ABR-20090526.R1, Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 28, 2014.

41. Chesapeake Appalachia, LLC, Pad ID: John Barrett, ABR-20090529.R1, Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 28, 2014.

42. Chesapeake Appalachia, LLC, Pad ID: James Barrett, ABR-20090530.R1, Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 28, 2014.

43. Chief Oil & Gas, LLC, Pad ID: Polovitch Unit #1H, ABR-20090826.R1, Nicholson Township, Wyoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 28, 2014.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* June 24, 2014.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 14-1481. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from March 1 through March 31, 2014.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

#### *Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. Southwestern Energy Production Company, Pad ID: TI-03 Porter Dennis—Pad, ABR-201403001, Union Township, Tioga County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: March 6, 2014.
2. Cabot Oil & Gas Corporation, Pad ID: GrimsleyJ P1, ABR-20090805.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: March 11, 2014.
3. SWEPI, LP, Pad ID: Tice 653, ABR-201403002, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: March 11, 2014.
4. SWEPI, LP, Pad ID: Shughart 534, ABR-201403003, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: March 11, 2014.
5. SWEPI, LP, Pad ID: Shughart 490, ABR-201403004, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: March 11, 2014.
6. Chesapeake Appalachia, LLC, Pad ID: Ward, ABR-20090519.R1, West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 18, 2014.
7. Pennsylvania General Energy Company, LLC, Pad ID: SGL 75 Pad F, ABR-201403005, McHenry Township, Lycoming County, PA; Consumptive Use of Up to 2.500 mgd; Approval Date: March 18, 2014.
8. Pennsylvania General Energy Company, LLC, Pad ID: SGL 75 Pad E, ABR-201403006, McHenry Township, Lycoming County, PA; Consumptive Use of Up to 2.500 mgd; Approval Date: March 18, 2014.
9. WPX Energy Appalachia, LLC, Pad ID: Carrar Pad Site, ABR-20090725.R1, Liberty Township, Susquehanna County, PA; Consumptive Use of Up to 3.000 mgd; Approval Date: March 18, 2014.
10. Talisman Energy USA, Inc., Pad ID: 07 090 Choconut Valley Farms, ABR-201403007, Choconut Township, Susquehanna County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: March 21, 2014.
11. Southwestern Energy Production Company, Pad ID: JOHN GOOD WEST LU9 PAD, ABR-201403008, Jackson Township, Lycoming County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: March 21, 2014.
12. Seneca Resources, Pad ID: Clermont Pad D, ABR-201403009, Jones Township, Elk County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: March 25, 2014.

13. Inflection Energy, LLC, Pad ID: Hamilton Well Site, ABR-201403010, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: March 25, 2014.

14. Chesapeake Appalachia, LLC, Pad ID: TA, ABR-201403011, Colley Township, Sullivan County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 31, 2014.

15. Chesapeake Appalachia, LLC, Pad ID: Garrison, ABR-201403012, Washington Township, Wyoming County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 31, 2014.

16. Cabot Oil & Gas Corporation, Pad ID: HawkJ P1, ABR-201403013, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 4.275 mgd; Approval Date: March 31, 2014.

17. Cabot Oil & Gas Corporation, Pad ID: GrasavageE P1, ABR-201403014, Jessup Township, Susquehanna County, PA; Consumptive Use of Up to 4.250 mgd; Approval Date: March 31, 2014.

18. Cabot Oil & Gas Corporation, Pad ID: SlocumS P1, ABR-201403015, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.250 mgd; Approval Date: March 31, 2014.

19. Talisman Energy USA, Inc., Pad ID: DCNR 587 Pad #17, ABR-20090932.R1, Ward Township, Tioga County, PA; Consumptive Use of Up to 3.000 mgd; Approval Date: March 31, 2014.

20. Talisman Energy USA, Inc., Pad ID: DCNR 587 Pad #9, ABR-20091024.R1, Ward Township, Tioga County, PA; Consumptive Use of Up to 3.000 mgd; Approval Date: March 31, 2014.

21. Talisman Energy USA, Inc., Pad ID: Knights 24, ABR-20091025.R1, Troy Township, Bradford County, PA; Consumptive Use of Up to 3.000 mgd; Approval Date: March 31, 2014.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* June 24, 2014.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 14-1482. Filed for public inspection July 11, 2014, 9:00 a.m.]

### Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects from March 1 through April 30, 2014.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period specified previously:

*Rescinded ABR Issued March 1—31, 2014*

1. Range Resources—Appalachia, LLC, Pad ID: Grays Run Club Unit #2H, ABR-20100455, Jackson Township, Lycoming County, PA; Rescind Date: March 10, 2014.

2. Chesapeake Appalachia, LLC, Pad ID: Arch, ABR-201106022, Sweden Township, Potter County, PA; Rescind Date: March 25, 2014.

3. Range Resources—Appalachia, LLC, Pad ID: Ogontz 3 Drilling Pad, ABR-20090606, Cummings Township, Lycoming County, PA; Rescind Date: April 18, 2014.

4. Range Resources—Appalachia, LLC, Pad ID: McWilliams 1, ABR-20090607, Cogan House Township, Lycoming County, PA; Rescind Date: April 18, 2014.

5. Range Resources—Appalachia, LLC, Pad ID: Gentner 3, ABR-20100153, Cummings Township, Lycoming County, PA; Rescind Date: April 18, 2014.

6. Range Resources—Appalachia, LLC, Pad ID: Dog Run Hunting Club Unit, ABR-20100456, Cummings Township, Lycoming County, PA; Rescind Date: April 18, 2014.

7. Range Resources—Appalachia, LLC, Pad ID: Harman, Lewis Unit #1H Drilling Pad, ABR-20100554, Moreland Township, Lycoming County, PA; Rescind Date: April 18, 2014.

8. Range Resources—Appalachia, LLC, Pad ID: Shohocken Hunt Club Unit #1H—#6H, ABR-20100646, Cummings Township, Lycoming County, PA; Rescind Date: April 18, 2014.

9. Range Resources—Appalachia, LLC, Pad ID: Ogontz Fishing Club Unit #12H—#17H, ABR-20100648, Cummings Township, Lycoming County, PA; Rescind Date: April 18, 2014.

10. Range Resources—Appalachia, LLC, Pad ID: Lone Walnut H.C. Unit #3H Drilling Pad, ABR-201007031, Cummings Township, Lycoming County, PA; Rescind Date: April 18, 2014.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* June 24, 2014.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 14-1483. Filed for public inspection July 11, 2014, 9:00 a.m.]

